

By Mr. SULLIVAN of New York: A bill (H. R. 16623) granting an increase of pension to George H. Hitchcock—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 16624) granting an increase of pension to Henry Good—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16625) granting a pension to Laura A. Baughey and her minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16626) granting a pension to Morris Osborne—to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 16627) granting an increase of pension to John Morrison—to the Committee on Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 16628) granting an increase of pension to Charles E. Eberhart—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 16629) granting an increase of pension to Nathan C. D. Bond—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Grange of Cambridge Springs, Pa., against changing the provisions of the Grout bill—to the Committee on Agriculture.

Also, petition of Richmond Grange, Crawford County, Pa., against changing the so-called Grout bill—to the Committee on Agriculture.

Also, petition of citizens of McLane, Erie County, Pa., against changing the present oleomargarine law—to the Committee on Agriculture.

By Mr. BOWERS: Papers to accompany bill H. R. 16378, for the relief of the heirs of Lewis Cato—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Good Will Grange, No. 376, Hancock County, Me., favoring the establishment of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CANDLER: Papers to accompany bill H. R. 16377, for relief of heirs of Dr. Thomas J. Babb—to the Committee on War Claims.

By Mr. COWHERD: Papers to accompany bill regulating the trusts—to the Committee on the Judiciary.

By Mr. DRESSER: Papers to accompany pension bill of William Larken—to the Committee on Invalid Pensions.

By Mr. FIELD: Papers to accompany bill H. R. 16375, for the relief of heirs of J. H. Peeples, deceased—to the Committee on War Claims.

By Mr. FLACK: Papers to accompany bill granting an increase of pension to Martha Peck—to the Committee on Invalid Pensions.

Also, papers to accompany bill correcting the military record of Louis Ploof—to the Committee on Military Affairs.

By Mr. HEARST: Petition of citizens of Murfreesboro, N. C., favoring enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: Papers to accompany bill (H. R. 16382) for relief of heirs of U. H. Buck—to the Committee on War Claims.

By Mr. JONES of Virginia: Papers to accompany bill for relief of Capt. David R. Mister—to the Committee on War Claims.

By Mr. LLOYD: Petition of John Ward and 36 other citizens of Knox County, Mo., for special pension act for relief of John Ward—to the Committee on Invalid Pensions.

By Mr. MARSH: Papers to accompany bill for the relief of Jesse M. Sanders, of Company G, Twenty-seventh Illinois Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. McLAIN: Papers to accompany bill H. R. 16383, for relief of heirs of Benjamin Whitehead—to the Committee on War Claims.

Also, papers to accompany claim for relief of heirs of Samuel P. Harvey (H. R. 16380)—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 1606, for relief of Sallie C. Smith—to the Committee on War Claims.

By Mr. RIDER: Petition of Interstate Commerce Law Convention held at St. Louis, Mo., October 28 and 29, 1904, favoring enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grand Camp of the Arctic Brotherhood of Alaska asking that Alaska have Delegate in Congress by election—to the Committee on the Territories.

By Mr. RIXEY: Affidavits to accompany bill H. R. 8816, for relief of St. James Episcopal Church, Culpeper County Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Resolutions of the Ministerial Association of Kendallville, Ind., Rev. R. J. Wade, president, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Milton O. Hoffman and others, to accompany bill H. R. 16416, granting an increase of pension to John Lehn—to the Committee on Invalid Pensions.

By Mr. SHULL: Petition and affidavits accompanying bill granting a pension to Cornelia Schoonover, widow of William Schoonover, late second lieutenant, Eleventh Regiment United States Infantry, Mexican war—to the Committee on Pensions.

Also, affidavit and petition accompanying bill granting pension to Jacob Repscher, late of Company I, One hundred and forty-seventh Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, petition and affidavit for relief of James Heiney, to correct his military record—to the Committee on Military Affairs.

By Mr. SNAPP: Papers to accompany bill for relief of George Meisner, granting him a pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Alonzo Ackerman, of Glen Ellyn, Ill.—to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bill H. R. 15953, for the relief of William T. Gibbs—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of the Interstate Commerce Law Convention, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Manufacturers' Association of New York, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grand Camp of the Arctic Brotherhood of Alaska, in favor of elective representation for Alaska in Congress—to the Committee on the Territories.

By Mr. WADE: Petition of the Congregational Christian Endeavor Society of Fayette, Iowa, for establishment of international congress—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Mississippi: Papers to accompany bill H. R. 16381, for the relief of Rev. James K. Hamblen—to the Committee on War Claims.

Also, papers to accompany bill H. R. 16379, for the relief of J. B. Clark—to the Committee on War Claims.

By Mr. WOOD: Papers to accompany bill to correct the military record of Henry Luther, Company A, Fifth New Jersey—to the Committee on Military Affairs.

By Mr. ZENOR: Papers to accompany bill H. R. 2447, for the relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

#### SENATE.

THURSDAY, December 15, 1904.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### MINT AT DENVER, COLO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting, for conclusion in the urgent deficiency appropriation bill, estimates of deficiencies in appropriations for the mint of the United States at Denver, Colo., for the current fiscal year; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### SIVEWRIGHT, BACON & CO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from the British ambassador, relative to the claim of Sive Wright, Bacon & Co., of Manchester, England, British steamship *Eastry*, in consequence of collisions in June, 1901, at Manila, etc.; which, with the accompanying papers, was referred to the Committee on Foreign Relations.

#### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims,

transmitting a certified copy of the findings of fact filed by the court in the cause of the wardens and vestry of St. James Parish, Wilmington, N. C., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Atlantic Works *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church of Millcreek, W. Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elizabeth Thomas *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of trustees of the Baptist Church of Guyandotte, W. Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Baptist Church of Charlestown, W. Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church South, of Winfield, W. Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 158) construing the act for the relief of Julius A. Kaiser as carrying an appropriation.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims;

A bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albermarle and Pamlico sounds, North Carolina;

A bill (H. R. 6487) to amend section 4952 of the Revised Statutes;

A bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve;

A bill (H. R. 13679) amending the statutes relating to patents;

A bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind.; and

A bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented the petition of E. D. Van Dyck, of Greenville, N. Y., and a petition of the congregation of the Westminster Presbyterian Church, of Syracuse, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were referred to the Committee on Territories.

He also presented petitions of the Woman's Club of New York City; the Woman's Association of Saratoga Springs; the Woman's Municipal League of Brooklyn; the Society of Political Study of New York City; of F. Norris, of New York City; of Dorothea C. Norris, of New York City; of the Congress of the Knights of Labor, American Federation of Labor, of Watervliet; of Madeline C. Curtis, of New York City; of the Woman's Municipal League of New York City, and of the Woman's Christian Temperance Union of Virgil, all in the State of New York,

praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens of Potsdam, Ogdensburg, Malone, North Bangor, Norwood, and New York City, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Kitching Woman's Relief Corps, Department of New York, of Yonkers; of the Mount Pleasant Woman's Christian Temperance Union, of Schenectady; of Greece Grange, No. 311, Patrons of Husbandry, of Bernard, and of the Woman's Christian Temperance Union of Sodus, all in the State of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the enactment of legislation providing for the installation of pneumatic tubes in the postal service in that city; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. SMOOT presented a petition of the Ladies' Literary Club of Salt Lake City, Utah, and a petition of the Woman's National Relief Society of Mount Sterling, Utah, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. DRYDEN presented the memorial of George Merck, of Llewellyn Park, West Orange, N. J., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Moorestown, N. J., and a petition of Local Grange No. 8, Patrons of Husbandry, of Moorestown, N. J., praying for the adoption of a certain amendment to the suffrage clause on the statehood bill; which were referred to the Committee on Territories.

Mr. BERRY. I present a petition from the Cherokee council, signed by the president of the Cherokee senate, the speaker of the Cherokee council, and the chief of the nation, praying that the nation may be allowed a Delegate in Congress. I will not ask to have the petition read, but I ask that it be printed in the RECORD. It comes from the council of the nation and is different from ordinary petitions or memorials.

There being no objection, the petition was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

#### Senate resolution No. 2.

A resolution asking Congress of the United States to make provision for the seating of a Delegate from the Cherokee Nation.

Whereas the treaty of March 1, 1836, in its seventh article provided: "The Cherokee Nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal policy of the Government of the United States toward the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a Delegate in the House of Representatives of the United States whenever Congress shall make provision for the same;" and

Whereas by the treaty of 1866 between the United States and the Cherokee Nation the following appears in section 31 of said treaty: "All treaties heretofore ratified and in force and not inconsistent with the provisions of this treaty are hereby reaffirmed and declared to be in full force, and nothing herein shall be construed as an acknowledgment by the United States or as a relinquishment by the Cherokee Nation of any claim or demand under the guaranty of former treaties, except as herein expressly provided;" and

Whereas by agreement the tribal relations of the Cherokee Nation will cease on March 4, 1906; and

Whereas all of the affairs of the Cherokee Nation, both as to lands and money, are subject to and are ruled and governed by Congressional enactments; and

Whereas the interests of the Cherokee Nation amount to several millions of dollars, and believing that a people with such vast interests should be personally represented before the great Government of the United States in whose hands their entire interests rest; and

Whereas we believe the Government of the United States was sincere in entering this obligation, and all the unsettled business of the Cherokee Nation will be a matter for future Congressional legislation, and believing that a people so vitally interested should be heard on legislation pertaining to them; and

Whereas the Cherokee Nation, by constitutional provision, has made provisions whereby a representative of their government to represent them before Congress or any of the Departments thereof may be elected: Therefore, be it



*Resolved by the national council of the Cherokee Nation, That it is the sense and desire of the Cherokee people that the Congress of the United States carry out the provisions of the treaty herein referred to, so that the Cherokee Nation may be represented on the floor of the House of Representatives of the United States, the same as other Territories, in accordance with the meaning and intention of the treaty mentioned and thus carry out the obligation expressed in said treaty and have the Cherokee Nation represented before Congress and give them an opportunity to be heard in the final settlement of their affairs; and we most earnestly petition the Congress of the United States that such steps be taken to enable the seating of such a delegate that may bear the proper credentials from the Cherokee Nation.*

Passed the senate December 2, 1904.

ROBERT WEST,  
*President Senate pro tempore.*  
J. L. BAUGH,  
*Clerk of Senate.*

Concurred in by council December 5, 1904.

ROSS DANIELS,  
*Speaker of Council pro tempore.*  
J. T. CUNNINGHAM,  
*Assistant Clerk of Council.*

Approved December 10, 1904.

[SEAL.]

D. M. FAULKNER,  
*Assistant and Acting Principal Chief, Cherokee Nation.*

Mr. GALLINGER presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

He also presented a petition of the Religious Liberty Bureau, of Washington, D. C., praying that they be granted a hearing before the Senate Committee on the District of Columbia relative to House bill 11819, requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CRANE presented petitions of sundry Protestant churches of East Boston; of sundry citizens of Roxbury, Reading, Montague, Dorchester, Everett, Wakefield, Brockton, Manchester, Brookline, and Mattapan; of the congregation of the Bethany Baptist Church, of Dorchester; of the Woman's Home Missionary Society of Hanson; of the congregation of the First Baptist Church, of Somerville; of the congregation of the Berean Temple Baptist Church, of Boston; of the Boston East Baptist Association, of Malden; of the congregation of the Blaney Memorial Baptist Church, of Boston; of the congregation of the Baptist Church of Rockland; of the Woman's Missionary Society of Malden; of the Woman's Home Missionary Society of West Bridgewater, and of the congregation of the Baptist Church of Hyde Park, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of the Woman's Suffrage Association of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

Mr. FULTON presented a petition of the Chamber of Commerce of Coos Bay, Oreg., praying that an appropriation be made for the survey and improvement of the harbor of Coos Bay, in that State; which was referred to the Committee on Commerce.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Ill., praying for the passage of the so-called "pure-food bill," which were ordered to lie on the table.

He also presented a petition of Fort Dearborn Division, No. 294, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Christian Endeavor Society of Hillsboro Ill., and a petition of sundry citizens of Hillsboro, Ill., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were referred to the Committee on Territories.

Mr. PENROSE presented a petition of Pomona Grange, No. 10, Patrons of Husbandry, of Warren, Pa., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Farmers' Institute of Ellwood City, Pa., remonstrating against the repeal of the oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented the petition of G. W. Dodge and sundry other citizens of Menasha, Wis., and the petition of E. J. O'Rourke and sundry other citizens of Virginia, Minn., praying for the enactment of legislation to prevent the reversion to Cuba of the Isle of Pines; which were referred to the Committee on Foreign Relations.

He also presented the petition of Charles T. Burnley and 10

other citizens of Hudson, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

He also presented petitions of the Woman's Christian Temperance Union of Brooklyn, of the Woman's Christian Temperance Union of Omro, and of the Federated Trades Council of Madison, all in the State of Wisconsin, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. CARMACK presented a petition of the Memphis Bar and Library Association, of Memphis, Tenn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. FORAKER presented petitions of the congregations of the Union Methodist Episcopal Church, of Warren; of the Christian Church of Quaker City; of the Church of God, the Reformed Church, the Methodist Episcopal Church, the Church of Christ, the United Presbyterian Church, the First Presbyterian Church, the Lutheran Church, and the Baptist Church, of Wooster; of the First Methodist Episcopal Church of Salem; of the Sixth Avenue Methodist Episcopal Church, of Springfield; of the Grace Reformed Church, the First Methodist Episcopal Church, and the United Evangelical Church, of Lancaster; of the Methodist Episcopal Church of Lewis Center; of the Methodist Episcopal Church of Ravenna; of the Gilman Avenue Methodist Episcopal Church, of Marietta; of the English Presbyterian Church of Gomer; of the Church of Christ of Alliance; of the Presbyterian Church of Marysville; of the Presbyterian Church of Keene; of the Church of the Epiphany of Cleveland; of the Drummond Methodist Episcopal Church, of Cadiz; of the First Baptist Church of Prospect; of the Woman's Christian Temperance Unions at Marietta, Cleveland, Norwalk, and Columbus; of the pastor and session of the Westminster Church of Wooster; of the Woman's Auxiliary of Christ Church of Cincinnati; of the Christian Endeavor Society of Dayton; of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati; of the Young People's Society of Christian Endeavor of Quaker City; of the Evangelical Alliance of Cincinnati; of the First Christian Church of Akron; of the Ministerial Association of Piqua; of the Home Mission Societies of Fremont and Sandusky; of the Home and Foreign Mission Societies of Chicago, Republic, McCutcheonville, Fostoria, Clyde, Norwalk, Olena, and Huron; of the Foreign Societies of Fremont and Sandusky, and of sundry citizens of Columbus, Groverhill, Tiffin, Wooster, Mansfield, Kingsville, Salem, Archbold, Lima, Dennison, Pataskala, Bethany, Ironton, Delaware, West Lafayette, Sugartree Ridge, Cincinnati, and Adams Township, Darke County, all in the State of Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of the Chamber of Commerce of San Francisco, Cal., and a petition of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 5822) for the relief of certain purchasers of lands in the Umatilla Indian Reservation, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 15606) to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State, reported it without amendment.

#### IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut. The special committee appointed to consider the message of the House relating to the impeachment of Charles Swayne submit the following report, and ask that the resolution or order may be adopted.

The order was read, considered by unanimous consent, and agreed to, as follows:

Whereas the House of Representatives, on the 14th day of December, 1904, by five of its Members (Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLET of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky), at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

Ordered, That the Senate will, according to its standing rule and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments; and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Appropriations was, on page 3, after line 7, to insert:

#### PUBLIC BUILDINGS.

For completing the acquisition of a site for and toward the construction of a fireproof building for committee rooms, folding rooms, and other offices for the United States Senate, and for necessary office rooms for Senators, to be erected on square No. 686, in Washington, D. C., authorized by the sundry civil act approved April 28, 1904, \$10,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert:

#### POST-OFFICE DEPARTMENT.

Office of the purchasing agent: For salary of the purchasing agent, \$4,000.

For salary of chief clerk, office of purchasing agent, at the rate of \$2,000 per annum, from January 1 to June 30, 1905, inclusive, \$1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MONONGAHELA RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, to report it favorably, without amendment. It is very important that the bill should be passed at once, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 6133) to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CRANE introduced a bill (S. 6134) granting a pension to Mary Elizabeth McClaren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6135) for the relief of the estate of S. F. Poole, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6136) for the relief of the estate of John W. Gregory, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6137) for the relief of St. John's Lodge, of Newbern, N. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6138) granting an in-

crease of pension to Mary E. Dobyns; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6139) to authorize the Union Trust and Storage Company of the District of Columbia to change its corporate name; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6140) granting a pension to Elizabeth H. Du Hamel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6141) granting a pension to Mary A. Shaw; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6142) granting an increase of pension to Charles W. Oleson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6143) for the relief of the owners of the steamship *Newchwang*; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6144) authorizing the loan of arms and accouterments to American veterans of foreign service; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6145) granting an increase of pension to George W. Wertz;

A bill (S. 6146) granting a pension to Samuel B. Gray;

A bill (S. 6147) granting a pension to James H. Kirkpatrick; and

A bill (S. 6148) granting a pension to T. J. Brooks.

Mr. PLATT of New York introduced a bill (S. 6149) to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6150) for the relief of Maj. E. W. Halford, paymaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 6151) granting an increase of pension to John W. Halley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 6152) granting an increase of pension to Annie E. Wilson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MALLORY introduced a bill (S. 6153) granting an increase of pension to James M. Bullard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6154) granting an increase of pension to W. S. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6155) granting an increase of pension to Matthew F. Locke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6156) to provide for the purchase of a site and the erection of a public building thereon, or for the purchase of a suitable building with site, at Honolulu, Island of Oahu, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS introduced a bill (S. 6157) for the relief of Maj. Seymour Howell, paymaster, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6158) granting an increase of pension to William M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6159) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6160) granting a pension to Baron Proctor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6161) to allow appeals in forma pauperis from an inferior to a superior court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 6162) granting an increase



of pension to Benjamin F. Foss; which was read twice by its title, and referred to the Committee on Pensions.

#### CIVIL GOVERNMENT OF THE PHILIPPINES.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table, and be printed.

#### AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ANKENY submitted an amendment proposing to increase the salary of one assistant in the Nautical Almanac Office from \$1,600 to \$1,800, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," which was referred to the Committee on Claims.

#### VENEZUELAN ARBITRATIONS OF 1903.

On motion of Mr. STEWART it was

*Ordered*, That there be printed for the use of the Senate Document Room 500 copies of Senate Document No. 316, Fifty-eighth Congress, second session, and 200 additional copies for the use of the compiler of said document.

#### RECORD OF IMPEACHMENT TRIALS.

Mr. PLATT of Connecticut. I ask for the adoption of the following order. When it is read I will explain it.

The resolution was read, as follows:

*Resolved*, That extracts from the Journals of the Senate containing the record of impeachment trials in the cases of William Blount, John Pickens, Samuel Chase, James H. Peck, West H. Humphreys, Andrew Johnson, and William W. Belknap be printed as a document for the use of the Senate.

Mr. PLATT of Connecticut. The record of the impeachment trials is now to be found only by consulting the Journals of the Senate, and that is difficult and laborious. I think, in view of the probable impeachment trial which we are to have in the Senate, there should be printed in one document extracts from the Journals of the Senate containing the record of all the impeachment trials up to the present time. It will form a volume of about this size [indicating], this volume being made up by taking extracts from the Journals and binding them together. I think every Senator will see the propriety and necessity of having such a document at hand.

Mr. CULLOM. I think the Senator will find that as to the trial of Andrew Johnson the proceedings in that trial were printed in book form.

Mr. PLATT of Connecticut. Yes; the testimony and everything. What I want is to have extracts from the Journals of the Senate printed containing simply the procedure.

Mr. CULLOM. But not the testimony?

Mr. PLATT of Connecticut. Oh, no; simply the procedure in each case.

Mr. CULLOM. I was going to say that if the testimony taken in one of these trials were printed it would make four or five books.

Mr. PLATT of Connecticut. Oh, no; this will be the size of it [exhibiting a volume].

The PRESIDENT pro tempore. What will be the expense?

Mr. PLATT of Connecticut. I imagine that it is not important to be able to state it. It will be less than \$500, but I do not understand that there is any limitation on the Senate in printing a document for its own use.

The PRESIDENT pro tempore. No; I do not think there is any limitation on that.

Mr. PLATT of Connecticut. What I have asked is that it may be printed as a document for the use of the Senate.

The PRESIDENT pro tempore. The Chair supposed that it was a request for both printing and binding, in cloth.

Mr. PLATT of Connecticut. Not at all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MITCHELL. I will ask the Senator from Connecticut what he thinks of the advisability of printing the opinions of Senators? Would it make the volume too large to put in it the opinions of Senators?

Mr. PLATT of Connecticut. I think so. I think what Senators will desire is to be able to refer in one volume to the Journal record of all the trials.

Mr. MITCHELL. The Senator thinks it would make it too voluminous?

Mr. PLATT of Connecticut. It would make it too voluminous to put in the testimony of witnesses, the opinions of Senators, the arguments, or anything of that sort.

Mr. MITCHELL. The Senator does not think of including the testimony?

Mr. PLATT of Connecticut. No.

Mr. MITCHELL. I thought perhaps the opinions of Senators might give some information.

Mr. PLATT of Connecticut. Having this book will give a reference to the Senate Journals, where everything of that sort may be found.

The resolution was agreed to.

#### BAY OF MONTEREY (CALIFORNIA) IMPROVEMENT.

Mr. BARD submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce.

#### IMPROVEMENT OF PORTLAND HARBOR, MAINE.

Mr. FRYE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River above Portland bridge and the entrance to Back Cove, with a view to widening and deepening the channels at those localities, and to submit estimates for such improvements.

#### PONCE AND GUAYAMA RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Pacific Islands and Porto Rico, and ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on April 2, 1904, authorizing the transfer to the Ponce and Guayama Railroad Company of the franchise, rights, and exemptions granted to the "Compania de los Ferrocarriles de Puerto Rico" for the construction and maintenance of a railway between Ponce and Guayama, and also the transfer and assignment of such franchise, rights, and exemptions from the American Railroad Company of Porto Rico Central Aguirre Operator to the said Ponce and Guayama Railroad Company.

This ordinance was approved by the President of the United States on May 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

#### BRITISH STEAMSHIP LINDISFARNE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith, for the consideration of Congress, a report by the Secretary of State resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to \$158.11, for demurrage to that vessel while undergoing repairs necessitated through a collision with the United States army transport *Crook* in New York Harbor on May 23, 1900.

THEODORE ROOSEVELT.

WHITE HOUSE, December 15, 1904.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina; and

A bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes."

The following bills were severally read twice by their titles, and referred to the Committee on Patents:

A bill (H. R. 6487) to amend section 4952 of the Revised Statutes; and

A bill (H. R. 13679) amending the statutes relating to patents.

The bill (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

The bill (H. R. 15285) establishing a regular term of the United States circuit and district courts at Muncie, Ind., was read twice by its title, and referred to the Committee on the Judiciary.

#### NEW DUNGENESS LIGHT-HOUSE IMPROVEMENT.

Mr. FOSTER of Washington. I notice that during the session yesterday the bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington, was passed. That improvement having been already included in the last sundry civil appropriation bill, I ask that the votes by which the bill was ordered to a third reading and passed be reconsidered, and that it be indefinitely postponed. I make that motion.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. Without objection, the bill is indefinitely postponed.

#### AMENDMENT OF THE RULES.

Mr. SPOONER. It is my understanding that it is competent to amend the rules by unanimous consent.

The PRESIDENT pro tempore. The Chair so believes.

Mr. SPOONER. Subdivision 4 of Rule I of the Senate provides that—

In event of the death of the Vice-President the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence, etc.

That limits the power given to the President pro tempore of the Senate to a vacancy caused by the death of the Vice-President. He should have that power however the vacancy is occasioned; and there is a vacancy now.

Mr. PLATT of Connecticut. Not by the death of the Vice-President, but by the death of the President.

Mr. SPOONER. By the death of the President. I ask the unanimous consent of the Senate to amend this subdivision of Rule I by striking out in the first line the words "the death of" and inserting in lieu thereof the words "a vacancy in the office of;" so that it will read:

In the event of a vacancy in the office of the Vice-President the President pro tempore shall have the right to name, etc.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the amendment is made.

#### CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. If the morning business is concluded, I call up, pursuant to the notice which I gave yesterday, House bill 14623.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I call the bill up simply to give all the time possible in case Senators desire to discuss the bill to-day.

Mr. STEWART. Mr. President, I do not propose to discuss the provisions of the bill. There is one matter contained in it, however, of the utmost importance to the preparation of the people of those islands for self-government or any government in which they are to participate, and that is the building of railroads.

The building of railroads is the cheapest way to extend civilization into any savage or semicivilized country. The railroads built by the United States have done more to settle the Indian territory than everything else combined. I recollect

very well when it used to cost \$15,000,000 a year to take care of the Indians in Arizona alone; the War Department, the Interior Department, and all of them were operating there, and the freight charges were enormous. As soon as railroads were extended through the territory the matter was disposed of without much further expense. So all through our country wherever the railroads go they are civilizers. They give employment to the people and give them an opportunity to sell their products, if they produce anything. Above all, it is an object lesson to a savage to see a railroad in operation. Nothing changes his view so quickly as to the power of civilization as a railroad. I am glad the committee have made provision for railroads in the Philippines.

As to the mode of reaching that end, it is not so material. The policy heretofore has been to subsidize railroads and to secure their completion in that way. The United States has done considerable in that business, and where it has granted subsidies in money it has got the money back. It has never lost anything. Although there has been a great deal of talk about it, the money has been paid back, and undoubtedly it will be paid back in this case.

As to whether it is better to subsidize companies or to trust the building to the engineers of the Army and let the Government do it directly, I do not propose to discuss which is the best method of the two, because I think those are minor questions compared with the main question of civilizing the islands by means of railroads. If we build railroads and give them railroad facilities, it will be but a few years before they will be in a condition of self-government far beyond what generations will do without the railroads.

When the war commenced if we had begun building railroads instead of going with teams over those almost impassable swamps, rivers, mountains, and all that, I believe it would have been good policy. I believe about as cheap a way to prosecute a war with savages as can be found is to build railroads.

I simply want to congratulate the committee on having incorporated a provision for building railroads in the bill. I shall not discuss any of the details as to which is the best way to do it. That it should be done and done quickly there can be no doubt.

Mr. McCUMBER. Mr. President, I have just sent to the table an amendment to this bill, striking out entirely section 4, which relates to the building of railroads. I cover the entire section simply because of my opposition to a Government subsidy for railroads or any other instruments of internal commerce.

I believe the time has passed for a Government guaranty of the prosperity of private enterprise which is purely of an internal nature. I believe it is the duty of the Government to so legislate as to secure the greatest amount of prosperity to its people; and when it has done that it opens avenues of private enterprise, and to a certain extent it thereby assures the success of the private enterprises. I do not believe, however, that the Government should enter into any industrial competition with its own people, and it does enter into this industrial competition when it guarantees the prosperity or the success of any private enterprise that is purely internal in its affairs and in its effect.

There is in this country, Mr. President, held by the people, \$30,000,000 for investment. The holders of \$30,000,000 would like to invest it for anything that would bring 2 per cent. Government bonds readily sell at a premium which draw interest at the rate of only 2 per cent. These Government bonds are pretty scarce in the markets to-day. So here the people who own the \$30,000,000 can find an immediate field of investment for an assurance of 5 per cent upon their investment.

Now, what will the owners of the \$30,000,000 do under this bill? They will form a corporation for the construction of \$30,000,000 worth of railroad in the Philippine Islands. After it is organized, and after they have constructed their road, or during the time of construction, they will vote the necessary salaries to the promoters of this enterprise. The amount of the salaries will take up the entire amount of the income from the investment. So, in addition to receiving salaries as promoters, they will also receive 5 per cent upon the stock which they have taken, and that 5 per cent will be absolutely guaranteed. We may say that it is not guaranteed by this Government, but as long as the Philippine Islands are under the control and suzerainty of this country we are responsible for the bona fides of their contracts and that their contracts will be faithfully carried out. Therefore, if the Philippine government should fail in any way to answer this requirement of payment of 5 per cent upon those bonds or upon the stock, if we issue stock instead of the bonds, the Government of the United States as the guardian and controller of that country is morally bound to see



that the amount shall be paid; and thus we have secured a very pleasant and remunerative field for the employment of \$30,000,000 without sufficiently guarding the interests of either the United States or the Philippine Islands.

Now, it seems to me that that of itself is sufficient to strike out this section 4. It will be sufficient at least to justify me in voting against that provision.

Mr. HEYBURN. Mr. President, the discussion of the pending bill has been confined so largely to the provisions in regard to railroads that there is some danger the more important provisions of the bill as affecting the material interests of the Philippines may be overlooked. I desire to propose an amendment, which I will in due time send to the desk, affecting the provisions in regard to mining rights in the Philippines.

When the bill to which this is an amendment was enacted Congress saw fit to inaugurate a complete change in regard to the location of mining claims that was so utterly inconsistent with the policy which has been in force in regard to the mining lands of our own country that it seems to me the question must have passed without consideration.

Since the inauguration of the mining laws of this country it has been the policy of the Government, based upon the experience of American mining, to allow the locator and the owner of a mining claim to locate those things of value—that is, the ledge, the extent of surface ground has been considered merely an incident for the convenient use of the thing of value; but in the original bill, to which this amendment applies, Congress undertook to carve out a different estate and to provide that a claim shall consist of so many square feet, without regard to the thing to which the law is directed, and has abandoned the American policy for one that has obtained in Spanish countries, and for a time over the Canadian line.

Minerals are found in ledges cropping out on the surface of the earth, and, as a rule, do not develop practical or substantial value within the lines of the location.

This law as it stands and as it is proposed by this bill gives to the locator only the mineral that is found within the limits of the claim. The ledges, as a rule, dip into the earth: they crop out upon the sides of the mountain, as a rule; they are seldom found upon level ground. As they dip into the earth they naturally pass outside of the line of location at a very early stage.

In most mining countries, before even the preliminary expenses of development have been realized by the owners of the claim, where they pass outside of the line of the claim upon the surface, as a rule, they are beneath the surface of the earth at a point that it is utterly impracticable to reach without the surface lines, except through the claim having the outcrop. Now, you propose to adopt that system by this legislation. It was adopted by the bill to which this is an amendment. This is the time to correct it.

The law regulating the location and ownership of mining claims in this country has stood the test of more than forty years. It is the result of the experience and wisdom of those conversant with it for a lifetime. It has been interpreted by the courts, investments have been made under its provisions, and the great mineral wealth of the country has been developed under the American system of mining law. Why should we change it? Why should we adopt the Spanish system, a system that was perhaps adapted to a country where the fee of the mine was in the Crown, where the right to mine was a mere license, to be taken or given or modified at the will of the Crown? The American law was directed to the question of substantial title that would warrant the investment of money in the purchase and development of mines, that would insure to the discoverer the substantial value of the thing located and discovered.

This subject may or may not be familiar to Senators, and I will ask indulgence while I illustrate it a little. Taking a ledge that has a dip at an angle of 45°, which is not unusual—in fact, I might say it is the average condition—it crops upon the surface. In going down into the earth at an angle of 45°, if the claim was 300 feet on each side of the ledge, at 300 feet from the surface that ledge would be lost to the locator. Who takes it from that point down? Some stranger. How is he going to make another discovery upon that ledge, which, if it were upon level ground at that depth, would be at least 300 feet below the surface, but, as a matter of fact, where the ledges dip into the mountain it would be all the way from 600 to 1,000 feet below the surface. This is a practical question and affects the mineral wealth of the Philippine Islands so far as legislation can affect it.

The purpose of this bill, so far as this provision is concerned, is to give the opportunity to the prospector, the investor, and the mine developer to avail themselves of the mineral deposits

in the Philippine Islands. That is the object and purpose of this bill; in other words, to open up the mineral resources of that country. You can not do it under such a law as that we have now upon the statute books; and you can not do it under such a law as is proposed by the provisions of this bill. It will result either in the original locator violating the law and following the ledge on its dip after it has passed out of his side lines marked upon the ground without any lawful right, or it will result in locations being made upon the surface ahead of the dip of the vein as originally located without any discovery, which can be developed only by the aid of large capital through the means of digging shafts to tap the ledge on its dip. That is all. You render the mineral resources of the Philippine Islands unavailable to the very people Congress intends they shall be held for the benefit of—that is, the prospectors—you give an opportunity for some one with money enough to sink deep shafts to tap the ledge beyond the line of the original location, and you give the opportunity to such people to deprive the original locator of the benefit of his discovery.

Oftentimes when the surface of these ledges are merely slag, the great values are obtained from the depths of the mine. I speak from a somewhat extended experience in these matters. For more than twenty-five years I have lived among the mines, and I have seen every phase of the controversy presented. I have had an opportunity also to observe the working of statutes, such as have been enacted in this case, both in British Columbia and Mexico. I have seen men, through hardship and toil, prospecting in the mountains, find a valuable ledge, and after they had located it, find that they had a mere slag mine near the surface. The statute which governs in the United States instead of giving a tract of ground gives the locator so many feet along a ledge. That is the thing of value, and the only thing of value. The surface is a mere incident to it. It is the mineral-bearing ledge of rock, in place, which the prospector and miner is seeking for; it is that and that alone, which, being developed, produces the mineral wealth of the country.

Under the existing law in this country the prospector may locate not to exceed 1,500 feet along the course of the ledge. He locates his end lines parallel, and thus carves out a plane upon which he may follow that ledge indefinitely. More often than not he finds nothing to repay him for his labor until after he has passed out from under the surface ground of his location.

It was demonstrated between 1866, the time of the passage of the first mineral law by Congress, and 1872, when Congress again resumed the consideration of it, that the estate should consist of a given number of feet along the ledge, and allow the prospector or the owner of that estate the right to follow down between the planes drawn on his end lines, and the law requires that the end lines shall be parallel. Thus his estate is never diminished nor extended beyond 1,500 feet. What can be more reasonable than that?

Mr. President, it seems to me that at this time we have the opportunity to correct the mistake that was made in the enactment of the original law for the Philippines. I know it is claimed—for I have heard it said frequently—that if you will confine a man to his end lines you will avoid litigation. Some of the most extensive litigation has arisen over conflicting rights on questions that arose where claims conflict in following them in depth. That is true. Controversies will arise between men over things of value. We can only reduce them to the minimum. That is all.

I shall propose by an amendment to this bill to define what shall be the proper angle of intersection between the end lines of a claim and the strike of the ledge. If all the end lines intersecting the ledge are parallel, one with another, there can be no conflict, because they can not come together.

The evil of the existing law has arisen out of the fact that veins are somewhat tortuous in their course, although there is always a general strike uniform in course. One man will locate his end lines at one angle across the ledge and another at a different angle, and when the planes drawn upon those lines proceed down on the dip of the ledge some of them would come together, and the question would be, first, who was prior in point of right. If they were both substantially at right angles to the general course of the ledge the court would give the property to the party having the prior location.

But a more serious question has arisen as to what angle a locator might intersect the course of the vein with his end lines. It has been contended in some cases that if his end lines intersected the vein more along than across the course, then he might not follow them as the bounding plane of his extralateral rights.

On the other side it has been contended—and the question has not yet been determined by the court of last resort—that if the line intersected the ledge in its course at all it became

an end line and constituted a plane upon which the ledge might be followed downward. These are serious questions. They involve property rights amounting to hundreds of millions of dollars in the United States, and Congress should afford some remedy; but it should not afford a remedy at the expense of the prospector and the locator of the claim to the extent of depriving him of the benefit of the thing that he has been supposed to acquire by reason of his location.

Let me illustrate. Taking this for the declination of the mountain [indicating], the ledge crops upon the mountain side. There the prospector makes his discovery and initiates his location by marking out the surface boundaries fifteen hundred feet in length running along the course of the ledge and 300 feet on either side of it—a convenient surface for working the ledge, which is the real object of his search. That ledge, dipping down into the earth, necessarily will depart from his surface lines, as I have said.

I doubt if there are three mines in the United States that have paid the expenses of location and development before the ledge dips outside of the surface lines of the claim. It has been only by reason of our existing law, which gave to the prospector or the miner the right to follow the ledge a given number of feet upon a segment of the vein 1,500 feet in length, and to follow it without regard to its passing outside of his side lines.

The law has worked most satisfactorily in this country. It is true that controversies have arisen; but, as I have said, they will arise over any question of property rights. They arise over the boundaries between city lots and between farms. We can not undertake to destroy or render valueless the mining interests of the Philippine Islands by adopting this new system because our existing law has in some instances resulted in controversy and expensive litigation.

You will not avoid expensive litigation, you will not avoid controversy, by confining the locator to the boundary lines of his claim, because a more important question, one that will involve more serious controversy, will arise, as it has arisen continually in British Columbia, and that will be as to who shall own the ledge after it dips out from the original location. Can it be located without first making the discovery of the ledge? The ledge does not crop there; it has already passed hundreds of feet, and it may be thousands of feet, into the earth. How are you going to have a location under a law that says no location shall be made until a discovery has been made of the mineral? How are you going to make another discovery of that ledge that has dipped down into the earth, where it can be reached only through the means of shafts hundreds or thousands of feet in depth? That is a question which arises and will arise every day under a law that confines the locator to the mineral that lies beneath the surface of the location. Why should you confine him to that? The surface of the ground, as I have said, is a matter of small importance. Unless you are to give a vast area of land, more than would be reasonable, you can not possibly give him enough of the ledge to warrant him in developing it, to warrant him in equipping the mine with the machinery incident and necessary to its development.

Under the existing laws in this country you give him so many feet upon the ledge, and he recoups himself for his labor and expense, if not within the boundaries of his claim, somewhere beyond. I know of great mines in this country that are mining from half a mile to a mile outside of their lines, and yet within the well-defined lines of the vein which they found upon the surface thousands of feet above in some instances. I know of mines in this country to-day that never paid a dollar of profit until they were from a quarter to half a mile outside of their line.

Who is entitled to the benefit resulting from the discovery of the mine? The prospector is entitled to it. If he is to be confined to his surface lines or what lies beneath them, he will reap no benefit from his discovery. If a man has a segment of so many feet along a vein, he can follow it so long as his industry will permit, until he is repaid for his labor.

Then, again, his mine will not command the price in the market to which he is entitled unless he has something more to offer than the portion of the vein that lies beneath the surface of the ground. He is entitled to the highest price represented by the value of the ledge which he discovers.

If our law, the law in force in this country that has been upon the statute book for more than a quarter of a century, is not a wise one, why not repeal it? If it is a wise law, and has been proven such by the experience of these years, why should we change it when we come to make laws for a newly acquired province of the United States? The mining in the Philippine Islands will not be done by natives; the ledges there will not be found by the Filipinos to any great extent. They will be prospected for and located by American

prospectors and miners—men familiar with the laws of this country, men who for a lifetime have been prospecting for and developing mines under our laws. Why should we present them with a problem different from that with which they have become acquainted? They know how to locate a mining claim under our laws; they will know little about it under Spanish laws.

Mr. LODGE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. McCREARY in the chair). Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. I have no idea of discussing the merits of the mining laws. I am not an expert on those questions. I simply wish to say to the Senator, in order that he may know the position of the committee, that the committee were guided by but one idea, and that was not to disturb the system to which the people of those islands had always been accustomed. I do not think we ought to undertake to impose new mining laws on those people, thereby opening the door to endless litigation, any more than I think we ought to change their weights and measures or attempt to force on them a new religion. We are dealing for them, not for ourselves. I am not questioning the wisdom of our own mining laws; but I do not want to destroy what has been, with some modifications, the universal system there ever since they have had any mining laws.

Mr. HEYBURN. Mr. President, this proposed law bears no closer resemblance to that system than it does to our own. It is not the Spanish system, nor the system of mining laws in the Philippines at all, but is the adoption practically of the laws of British Columbia, which were taken from the laws of Mexico.

Mr. McCOMAS. I will ask the Senator from Idaho if he has heard any complaint from any person in the Philippines in respect of the mining laws; and if so, what was the complaint? Will he state that?

Mr. HEYBURN. Mr. President, I have heard universal complaint from American citizens who contemplate going to the Philippine Islands for the purpose of prospecting and developing that country.

Mr. McCOMAS. Then I understand the Senator to say that the complaint he has heard is from people who have never lived under the law, and that he has heard no complaint from those who have been subject to it for two years.

Mr. HEYBURN. I have heard complaint from every American who understood mining who ever undertook to live under mining laws in Mexico or British Columbia. We have hundreds and thousands of miners and people interested in mining in our country who are as familiar with the mining laws of Mexico and British Columbia as men might be, and without exception, so far as I know, among those people who have thought and are capable of judging in this matter they prefer the American mining laws, and they are not without experience. We are not obliged to go to the Philippine Islands for advice and counsel upon this question, because we have the same system as is proposed here in vogue on either side of us. That system may be adapted to those countries. I do not know that it is, and it is immaterial to inquire; but I do know that it is not American. I know that it does not meet and will not meet with the approval of the only people who will ever develop the mines of the Philippine Islands—that is, the American prospectors.

We are not opening up the Philippines alone for the natives. We propose to inject into those islands the spirit and enterprise of Americanism. We have a vast number of citizens in this country who will participate in the development of the resources of that country if they are given an opportunity to do so.

We do not know as yet the extent of the mineral wealth of the islands, and we never will know if we rely only upon the natives. They have been there for four centuries and have not developed the country. You can put a little band of American prospectors in there, and in twelve months they will know more about it than the Filipinos do at the end of four hundred years.

The mines of British Columbia have been developed by American prospectors, as have the mines of Alaska and the mines everywhere within the United States. The act is for the benefit of American citizens. It says that citizens of the United States or of these islands may locate mineral ledges and mining claims. The act is as much for the benefit of American citizens as it is for the natives of that country.

There is nothing that will tend more to civilize them than to inject this element of Americanism in there. I am not in favor of changing the language as it applies to the measure of values



or of distance in that country until our language, which is now being taught in their public schools, becomes more familiar to them. I would raise no particular objection to that feature of the bill, but I would insist that the value of those mining claims should be upheld to the standard of value that applies to our own. Give a man so many feet on a ledge, bound him by planes that are not flexible or movable, and allow him to follow that segment of the vein down as far as it goes. That is what I appeal for. I say you are making a mistake; you are detracting from the value of the mines of that country. Men in this country who know about mining will not invest in a mining claim that is bounded as to its right by the surface lines, because it does not carry with it title and value sufficient to attract their attention or command their capital; but give those mines the limit of value that we give to our own and American capital will go there and develop them. Miners will know that they are not to be limited to a little area of ground less than 20 acres. It cramps the possibility of enterprise; it limits it down too close to say that they shall have nothing more than that. I say again, Why should we abandon a tried and satisfactory system to adopt a foreign one, except, as the Senator from Massachusetts [Mr. LODGE] has said, that it may be more convenient to those people that their laws should not be varied?

But we are in the field to bring those people to our way of thinking. When the mining laws were first adopted California was as Spanish as some of the Philippine provinces. When our mining laws were first adopted all the Pacific coast had been accustomed to laws such as we are proposing to force upon the Philippine people. They are not the laws of the Philippine Islands, except as we have by the act of 1902 made them their laws. They were no more familiar with them before that time than we were. Our mistake has existed for two years. Let us stop it now and go no further. I shall propose to incorporate into this bill the provision of our own statute on this subject, throwing around it such safeguards, without involving the statute in obscurity or uncertainty, as will prevent these objectionable conflicts by reason of diverging or converging lines.

I think there is no provision in this bill which it is more important to stop right now and consider and correct, because upon our action will depend the value of those mines, and they will have no considerable value if you enact this statute, because no man who knows anything about mining will invest or will furnish the capital to develop them. But place them upon the American plane, enact laws such as we are accustomed to and have been proven to be wise and sufficient, and there is no end to the American enterprise and American capital that will go into the Philippines and teach those people something they do not know, rather than to go into the Philippines and sink ourselves to the level of their darkness.

Mr. McCOMAS. Mr. President, the Senator from Idaho insists that we should legislate from our point of view for the 9,000,000 people in the Philippine Archipelago, who from the time of the aborigines, and historically for four hundred years of Spanish control, have lived according to their point of view. If we make laws according to our environment, our prejudices, customs, methods, aspirations, and beliefs, and not according to theirs, we will wipe out the splendid record thus far made in the American occupation of the archipelago.

In respect of the mining laws, the subject was in committee submitted to a subcommittee composed of Senator Rawlins, of Utah, who had great experience in mining laws and legislation, the Senator from Nebraska [Mr. DIETRICH], and myself. The Senator from Nebraska had been in the islands and the Senator from Utah had given this subject attention all the time. With such other information as could be had from those who knew the customs and the mining system that existed in that country, we united the best features of the Mexican and British Columbia mining laws, which many experts said was the modern and best system. This act was passed on the 1st of July, 1902.

I have heard complaint of legislation affecting the Philippines, and have used such opportunity as I have had, because I of course distrusted any knowledge I had on this subject, to learn what impression the mining law had made in that country, and I have been surprised to find from the only persons who did bring reports from the archipelago that the only complaint was as to terms. That was a simple oversight in legislation. They said that in the mining act the committee had been doing just what the Senator from Idaho now insists we shall do. We had used "dollars" instead of "pesos," and "acres" instead of "hectares," and "feet" instead of "meters."

We had inadvertently legislated from the American point of view. This bill corrects that defect, and the mining law is here to be reenacted with that change of terms only and with no other change.

Mr. HEYBURN. I should not like to go on record as having insisted upon retaining the dollar and cent enumeration.

Mr. McCOMAS. No, I should think not.

Mr. HEYBURN. I say I am perfectly willing to yield that.

Mr. McCOMAS. I should think so; and so are we.

Mr. President, this law has been found to suit those people. The Commission in the Philippines have accepted the law and only ask that these minor changes be made, using meters and kilometers and pesos and hectares instead of our own measures. They ask no other change. I am sure the Senator from Idaho is very familiar and expert in the mining laws of this country, but I think, and I submit it to his maturer judgment, that when the Commission asks no change except this, when the Secretary of War asks no change but this, when the Insular Bureau asks no change but this, that the law which has now been in force for about two years and a half, has been made of use, and to which the people have been accustomed, we ought not to make a great change now when they have not asked it.

I understand the Senator to admit that not a single complaint has been made, so far as he knows, about this law in the Philippines. He says that people as far off from the archipelago as we are here and perhaps people some of whom are as unskilled as I am in mining, say there should be a change. They have not been there to study and measure the effect and operation of this law. They have no information in respect of its defects. The only defects are those of nomenclature, and this bill makes a change of terms to suit that people. When that is done, I submit that all is done that should now be done at this short session of Congress.

The subcommittee and the full committee, the Insular Bureau, and the Commission and the Secretary of War have said that this Mexican law is satisfactory, modified in some respects by that of British Columbia, which is asserted by expert men to be a very essential and important modification.

I assert from full information that the main plan of this mining law, to grant by patent a rectangular surface of mineral land about 300 feet each way, with a right to go down vertically in the earth and claim only minerals within these surface lines, is the best advance of modern mining laws.

Mr. KEARNS. Mr. President, I wish to say a few words on this subject. As an American prospector and on behalf of the American prospector, I take issue with my friend the Senator from Idaho [Mr. HEYBURN] in regard to this matter. I trust that the provision will remain in this bill as it is. Not only that, but I sincerely wish that the American law was framed upon similar lines, that mineral rights were governed by the vertical surface, drawn on a plane down through the earth. Then every prospector would know what he had. To-day, if a prospector goes out on the mountain and there discovers precious metals and develops a mine and starts to shipping to the market, he does not know whether it is his or not. Extra lateral rights drawn through the earth on the wide-vein theory give our American laws too much elasticity.

The amendment in the pending Philippine bill measures the surface and gives to every locator all the mineral that is within that surface by metes and bounds on that surface. If his vein should dip in through and outside of that—if he is a miner he knows when he makes the discovery which way the vein is dipping—and he is at liberty to locate the ground around the outside. To-day, with our locations governed by extra lateral rights, the erosions of the canyon make it almost impossible to lay a location over it covering the outcrop of that vein by both of the end lines. You have all been in the mountains. You know how the canyons run down through them, how the rocks are eroded away, how the outcrop of the vein makes a circle.

As I understand the mining law at the present time, if you make a discovery on the surface, you stake your claim, and if the outcrop should cross the side lines at less than an angle of 45° your side lines become your end lines and you have 600 feet on the dip. If it passes through in one end here [indicating] and out the side line, the other side line is drawn in to where the outcrop intersects the end line, and you get that on the dip. But if two claims are placed on the ground to cover the outcrop, not on the same course, but at an angle as it passes down into the earth, one may pass the other. What has been the result? Untold litigation.

There has been, I venture to say, one-third as much spent in litigating and perfecting the titles to mines as there has been in discovering and developing them. Under the law as it will be established by this bill there will be given to every individual just what is on the surface. The simplest prospector will know what he has. Our coal law is on the same principle. It is easy to interpret; it is simple.

There is a growing sentiment among the mining men in this country to establish vertical surface. I venture to say that the great majority of practical men want it, and it will afford to the prospector the protection he should have.

As a miner and as a practical man, I only wish that we could amend the American law and adopt the system which is now carried on in both Mexico and Canada and is embodied in the Philippine bill. It has worked satisfactorily. Go into Mexico or into Canada to-day and secure a location, and you have no trouble. It is just the same as with town lots. You own everything that is on the surface and under the surface within the lines drawn vertically.

The Senator from Idaho [Mr. HEYBURN] made the remark that the rock is often discovered on the surface, and in many instances you follow it into the earth before you get values. But there are many cases where it never comes to the surface, where the underlying formation that carries the metal does not break up through the overlying formation and crop out on the surface. In that case this extra lateral right or apex law does not apply.

He says again that where this vein is claimed by two individuals, the prior location holds. If we maintain this law, the location itself will hold. Every man knows his own location and what he has. In some cases mineral occurs in contacts underlying a limestone, a quartzite, or whatever the formation may be, and never does outcrop. In that case the apex law is unable to reach it.

Then, again, take a vein that may be found in dolomite limestone. It may be 5,000 feet wide. The party who held the location that controlled the foot wall would claim it. Five thousand feet above a pocket of ore may be discovered, and it would be claimed by the man who owns the hanging wall. That is the wide-vein theory.

I have fought some of these mining suits. I started as a prospector. I know something about it from the practical end. In a heavy mining suit it is a matter of financial endurance, and the man who stays the longest generally gets the vein. I have long wished that the American Congress would establish vertical surface, and give us the same rights in precious-metal mining that exist in coal mining. It would stop a great deal of litigation and much fraud in that industry.

Mr. HEYBURN. I should like to ask the Senator a question. How would he get title under existing law after it passed under the side lines?

Mr. KEARNS. By locating the surface on that side that it passed out through.

Mr. HEYBURN. Without a discovery of mineral—guess that the mineral was under there?

Mr. KEARNS. If you see your vein passing out, you know which way it is going if you have ever located a claim.

Mr. HEYBURN. Mr. President, the situation is obvious and is one of serious importance. Of course a mining company or an individual sufficiently strong financially could locate a lot of fraudulent claims out in front of the dip of the ledge, locate claims upon the guess that the vein extended under them, and protect itself or himself; and I know a number of cases where they have done so.

I know where a big mining company has, without the making of any discovery of mineral, located sixty-five claims without a surface indication of mineral, in order to keep other prospectors off. The theory suggested by the Senator from Utah is equivalent to saying that you give the man one end of the rope and he may take all of it. You give him one location legally, and he may steal twenty pieces of land from the Government. That is what it amounts to. The law as it is now gives him a segment of the vein, and that is his. It does not matter whether it dips at an angle of 10° or at an angle of 89°. It is his. It is the vein they are after, not the surface ground. But if these aggregations of wealth are not content with that which they have bought, and seek to add to it, then fraudulent locations can be resorted to. Of course they do not want anybody to have extra lateral rights as against them. Extra lateral rights really mean that the locator of the segment of the vein may follow it on its dip between the planes of its end lines. They give him so many feet of a vein of mineral-bearing rock in place, not so many acres of surface ground, except as an incident for the convenience of working his claim.

I know where the influence comes from that is seeking to adopt the Mexican system or the system contained in this bill. It comes from those who want to acquire vast areas of surface ground and deprive the prospector of the right to prospect upon it, to shut him out, to patent him out. If I could present to you some of the maps of the mining camps of the United States you would understand the proposition. For instance, in one case that I have in mind, they numbered the claims from 1 up to

26. Making a discovery of a vein, they located all the law allowed them on each side of that vein and then commenced on locations without any discovery—1, 2, 3, 4, 5, 6, and so on—and patented them, because at that time there was no one alert on the ground to see to it that the law was not violated in this way. But preserve to the locator the right which the law gives him to his vein, and he will take care of the question of the surface rights of those under whom he may pass.

It does not detract from the rights of the surface owner that a man is following a vein upon a dip under him, because he is confined to the walls of his vein, and the man on the surface may have another parallel vein that he is following on a higher plane, and somebody else may be following under him on the dip. It can injure no one. Avoid this complication of conflicting planes and you have solved the question and removed every possible objection from it.

Geology does not differ in the Philippines from the known rules under which it exists elsewhere. Veins in these mountains will be found to dip as they do in Nevada or Utah or Idaho, and we may safely adopt the same rules that have been found sufficient in those States.

I can not agree with the suggestion of the Senator from Maryland that we should disregard the American feature of this question. I can not agree that we should look only to the welfare of the Filipinos in this matter. We should teach them something from our experience. Our laws have been interpreted by the courts; they are clearly defined, well understood, and well applied. Now why commence at this age to learn something new in mining law?

Mr. DIETRICH. Is it not true to-day that a large number of the largest mineral producing properties, especially gold bearing, are not veins at all, but are simply large bodies of ore that are not confined by any walls, and that you can not possibly follow the dip at all that extends beyond the side lines?

Mr. HEYBURN. I suppose, Mr. President, that the Senator refers to the Homestake mine in Dakota and to the Treadwell mine in Alaska.

Mr. DIETRICH. No; the mines in Colorado.

Mr. HEYBURN. The mines in Colorado were supposed at first to be mere deposits, but upon development they proved to be well-defined veins; and a glance at the geology at Leadville and other Colorado districts, as published by the Government as the result of the geological surveys, will show that the first impression as to the character of those veins was entirely wrong. They proved to be well-defined veins, with hanging and foot walls, which passed into the earth at an angle which the courts have said under our statutes might be followed upon their downward course.

In the Black Hills, in the Homestake mine, they found where these bodies of ore had been thrown out into a great mass, but when they get beyond that abnormal condition the vein takes up its course and goes down to the source from which it came, between walls. The same is true of the Treadwell mine in Alaska.

While they were vast aggregations of ore that looked merely like a mass of quartz that had been thrown out of the earth by some process, yet by development that ledge has picked up its character, and its boundaries are as well known to-day as are those of any other ledge which has been developed in the country. Abnormal conditions may exist anywhere. I speak for the general system of mining as it has been developed in all countries.

This bill applies to ledges. It does not apply to quarries. If there are deposits, they do not come within the provisions of this bill, you will have to have some other law for them. This law does not pretend to be applicable to anything but ledges of mineral-bearing rock in place.

Mr. KEARNS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. KEARNS. In regard to the purpose of this law, to give great corporations the control of vertical surface, I take issue with my friend the Senator from Idaho. We have empires in the Rocky Mountains that are producing nothing, and a man who would patent the land and pay taxes on it would be a benefit to the State and a public benefactor. If those corporations locate the surroundings of the outcrop to take it away from the prospector, it is one of those cases where the prospector could never reach it. I call the Senator's attention—

Mr. HEYBURN. I presume the question which the Senator had in his mind to ask me when he rose—

Mr. KEARNS. I thought the Senator was through.

Mr. HEYBURN. No. The Senator confesses the evil to



which I directed the attention of the Senate. It is because of this change or proposed change in the law that the prospector can not reach it. He ought to be able to reach it. The prospector should under the law be able to reach that vein wherever it is not owned or has not been appropriated by some other prospector, and to say that the man who discovers the outcrop can stand there between the surface to the extent of his boundaries and the vein on its dip beyond forever or be permitted alone to avail himself of the ledge on its dip is the evil of which I complain.

Mr. KEARNS. It is to protect the prospector from a legal steal and to give him what is within his own vertical surface.

Mr. HEYBURN. Mr. President, upon some other occasion it may be necessary for us to take up with more detail and more extended consideration this question as applicable to our own laws. But I merely desire at this time to point out to the Senate the evil that will flow from this legislation. I know there are a number of men in this country who are in favor of what we call the "square claims" and in favor of limiting the rights of the miner to the surface boundaries of his claims and that which lies beneath it. But in ninety-nine cases out of a hundred they are men who are able to head off the prospector and shut him out by getting one valid location and locating twenty fraudulent claims in front of it. It is being done every day.

I think now that I have presented this question as fully as I desire to do at the present time.

Mr. McCOMAS. The Senator from Utah has so clearly and admirably stated the plan of this proposed law that I am content to leave that matter just where his statement left it. But the Senator from Idaho, I am sure, is mistaken in some respects when he says that under this law it will be easy for large corporations or holders to get a great quantity of land upon claims, real and fraudulent.

Mr. HEYBURN. May I interrupt the Senator from Maryland?

Mr. McCOMAS. Certainly.

Mr. HEYBURN. That is just what the Senator from Utah said. He said they could "locate," that they could get one good claim and locate these other claims for "protection," as he called it, without regard to the discovery of minerals.

Mr. McCOMAS. But if the Senator will read sections 29, 31, 36, 37, and 39 (and I can not take the time of the Senate to read them), it will be shown that after the discovery the location must be made; that the location must be 300 meters each way, measuring the discovered land perhaps 100 on one side or 200 on the other, or 150 on each side. The location must always be rectangular, and then the holding under the location goes vertically down through the earth, and it must be mineral land.

Mr. HEYBURN. I should like to ask the Senator—

Mr. McCOMAS. Let me finish my statement and then I will yield. Having done that, he must within a number of days set the posts. He must within a certain number of days apply to the secretary of mining registers. He must then take certain other procedure which gives him a preliminary claim which he has thus staked and marked by his poles. He must give publication of this fact, and then he must within each year work really for a certain time upon the claim. If he fails to do these things, he then fails to obtain the claim he endeavored to establish, and it becomes open to new location.

I am making a general statement. I know it is possible under any system of laws to preempt public lands in our country and to obtain mining locations. The Senator will see it throws around every safeguard that men of considerable wisdom in this committee could give, after having been put into system here.

Mr. HEYBURN rose.

Mr. McCOMAS. I will yield to the Senator from Idaho.

Mr. HEYBURN. I should like to inquire of the Senator how under this law you can obtain title to a ledge after it has passed the side line on its dip. The Senator says he must make discovery. How can you discover that ledge? At what point?

Mr. McCOMAS. I think the Senator from Utah, who has risen, can give a more expert answer.

Mr. HEYBURN. No; the Senator from Utah claims that he does not have to discover it; that he can make a location on the apex of the ledge.

Mr. KEARNS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. McCOMAS. Certainly, I yield to the Senator.

Mr. KEARNS. It is done by acquiring the surface vertically down into the earth.

Mr. HEYBURN. But how acquire it without making a discovery?

Mr. KEARNS. I will ask the Senator from Idaho if there are not many mines in his State to-day which are producers where they never discovered the mineral on the surface?

Mr. HEYBURN. They discovered it by sinking for it. After the ledge has dipped out from under a claim at an angle of, say, 50 or 60 degrees, how deep below the surface would that ledge be and how practicable would it be for any prospector to find it?

Mr. KEARNS. It might be from 1 to 1,000 feet.

Mr. HEYBURN. In that case would it be available to the prospector?

Mr. KEARNS. Then it should be developed by capital that could develop it, if the prospector who had no means was unable to reach it.

Mr. HEYBURN. Yet this is the result: If the man with capital came along and saw a prospector in possession of that rich surface outcrop that indicated a good mine, he would go over and get in front of the prospector's line and expend money enough to sink down and take away from the prospector the ledge which he had found.

Mr. KEARNS. If the Senator will permit me, he would own the vertical surface that he had located down through the earth, and the capitalist would come along and acquire title because his right to the vein was established. He would go across the mountain a mile away and get the outcrop, wherever it might be, and call in the aid of the court to establish that fact.

Mr. HEYBURN. I should like to ask the Senator: Suppose the prospector who had the surface did not want to sell and a capitalist went there in front of his line and sunk down and took the ledge away from him just where he began to get pay ore?

Mr. KEARNS. When he went down where the pay ore ended he would have to stop at the prospector's end of the line, because that had established the title to the vertical surface drawn through the earth, and the prospector knew when he got that title just what he owned.

Mr. HEYBURN. Then this act is a bid for men to go through mining countries and discover prospectors who have fair outcrops and good promises and to go over beyond their lines and sink down and head them off. It is a bid for that kind of a thing.

Mr. KEARNS. The prospector is a man who has knowledge of the value of the country, and he should, before capital comes along, acquire title at Government price and have his location made.

Mr. HEYBURN. Then, I understand the Senator from Utah believes that under this law a man may locate the outcrop and the same man may locate as many claims in front of it as he may see fit. Why, then, limit him to fifteen hundred feet? Why not give him 40 acres or 100 acres?

Mr. McCOMAS. I think the Senator from Utah has very well answered the matter in the mind of the Senator from Idaho. The location of a mining claim upon land can not be upon any kind of land, but it must be upon land containing specified minerals, and when it is made it is limited to the one location a thousand feet practically each way, in a rectangle, and that to one person alone. If he has it there, it is in his holding; he does not have it a thousand feet or a mile away; and the interlacing and entanglement of western lawsuits in respect of mining claims, which the Senator from Idaho knows much better than I do, can not occur. The very motive of this whole law was to prevent that sort of thing.

I can not conceive for the life of me—I mean as a lawyer and not as a mineral lawyer—how there is a chance here for large holdings of this land. We limit to one man what he can hold. If it is not mineral land he can not hold it.

There is another virtue in this matter. If a man locates upon mineral land there is a prior right of the Philippine government to take that land and reserve it from mineral holding. When the man loses at any time his claim he can not go and jump somebody else's. There can be a relocation under the method pointed out in the sections I have named, and he industriously follows it to a conclusion. He has no title that loses his claim.

I can say that we should not change a law that has had two years and a half satisfactory endurance by the people. I wish to remind the Senator from Idaho that while it is what is known as "the American system" here, Spain and Great Britain have been the countries dealing most with mines for centuries. The development of mining laws began with those two nations long before we accepted what seemed in the minds of many to be an unhappy mining system here in this country. This law embodies the ultimate of the British experience of centuries and the ultimate in Mexico of the Spanish experience of centuries, and makes as definite as can be the holdings of men claiming minerals in the body of the earth. I am quite convinced if it

had been a great mistake there would have been some complaint about it. The only complaint is made by the able Senator from Idaho, who, like myself, has not been there; who, like myself, has heard no complaint of this law, and I think perhaps he had better not now experimentally change, especially as the Senator is not prepared with a system, and the Senator from Utah I think quite convinced those who listened to his experience in mining that this is a system we have wisely followed and the best system applicable in any country. There is no better system to substitute for it, and we have done the best possible for the people of the archipelago and their mining interests.

Mr. HEYBURN. The Senator overlooks the fact that the adoption of this system by the Canadian-British Government is only three or four years old; that up to a few years ago the same system prevailed in British Columbia that we have, and they have adopted this as an experiment; and if you will take the sentiment of the people in British Columbia you would find that they are ready to go back to the other system. This is a system that will promote litigation and controversy. This is a system that will make lawyers rich if they can collect their fees. The other is a system that gives a man a definite estate, which no man can take away from him. Under this system every claim located in front of the location having the apex will be the subject of litigation, and every other one in front of that, and the only way a man can get the ledge after it passes outside of his line is to steal it. That is the right of it. That is the experience in British Columbia, where the square claim of law has been recently adopted. That is the experience in Mexico, where they have a different system of government to deal with the question.

The only way to get the value of the ledge is to steal it under the square-claim theory. It does not belong to anybody under this law. There is no limitation in this law as to the number of claims a man may locate. He may locate one because he has a ledge within it. He may locate twenty on the guess that there may or may not be a ledge there. He may do his work all in one tunnel or in one place and claim credit of application to all those claims. I think if the Senator could be upon the ground among the mining men he would soon see or learn that the sentiment in favor of the American system is so overwhelming they have never yet been able to change it.

Mr. McCOMAS. If they have had it as a new system four years in one place, longer in Mexico, and we have had it as a new system for two and a half years, let us not be premature after two and a half years, and let us see if they change it. The information the committee had was quite different from the impression of the Senator now. It was that they are pretty well pleased in the two countries with the system we have here applied.

Mr. HEYBURN. If I may make a suggestion, I think we have hardly had time to deal with the working of a system so far away in so short a time. In Mexico titles are mere concessions. With us a title is something recognized by law, maintainable under the law. That is the difference. They are mere concessions in Mexico and based upon the law adopted there, which is a mere rule adopted there before the formation of the Republic. No harm will be done the Philippines by any change we may make now. Does the Senator know whether any mining locations or titles have been obtained under existing law in the Philippine Islands?

Mr. McCOMAS. I do not know anything about it. I have inquired and I have been told that the law operates very satisfactorily. My inference, of course, is that it operates in respect to men who have located the claims.

Mr. HEYBURN. Does the Senator know of any American capital or enterprise having gone in there under this law—this departure from the other system?

Mr. McCOMAS. Of course I have had no opportunity for specific information. We have the recommendation coming here from the Insular Bureau of the War Department, from the Secretary of War, approving what has been done, and simply changing terms. That is more important than a single instance or a dozen instances. The best impression, from what I have heard, is that, so far as the law has had time to operate, it has operated very satisfactorily. I do not pretend to tell the Senator that I have personal knowledge of any letter or communication from anybody except the official indorsement of those I have named, who are in special charge of the Archipelago.

Mr. HEYBURN. The question arises, What opportunity have they of knowing about it?

Mr. McCOMAS. I can not tell as to what they know or the grounds for their information.

Mr. HEYBURN. I have no disposition to favor a change without some well-defined reason, and where we have a system that has been long in use, it should not be changed without a full knowledge of all the facts and circumstances.

Mr. NEWLANDS. I wish to offer two amendments to the bill now under discussion. I ask to have them printed and lie on the table.

Mr. McCOMAS. Let them be read.

Mr. NEWLANDS. Yes; they can be read.

The PRESIDENT pro tempore. The amendments will be read at the request of the Senator from Maryland.

The Secretary read as follows:

Strike out section 4 and substitute the following:

"That for the purpose of constructing, equipping, operating, and maintaining railroads using steam, electricity, or other power in the Philippine Islands the general government thereof is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denomination and payable at such time or times not later than forty years after the date of the approval of this act as may be determined by such government, with interest thereon not to exceed 2½ per cent per annum. The United States shall guarantee the payment of the principal and interest of such bonds, and such guaranty shall be attested by the Secretary of the Treasury. The general government of the Philippine Islands may either operate such roads when constructed or may lease the same upon such terms as it may deem advisable. Such general government shall set aside annually, either from the profits resulting from the operation of such roads or from the moneys paid for the lease of such roads, or from the general fund if necessary, \$1,500,000 per annum, from which shall be paid annually the interest upon such bonds, and the balance shall be annually applied to the redemption thereof until such bonds are entirely redeemed and paid: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at one time the sum of \$35,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

Mr. NEWLANDS. There is another amendment which I propose to offer in case that amendment fails. I offer the amendment that is now to be read to come in at the end of section 4.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

Add to section 4 the following:

"*Provided further*, That after the construction of any railroad under this section such railroad shall pay to the general government an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent; that such tax shall be in lieu of all taxes, general, provincial, or municipal, and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road. And the bonds and shares of stock issued for the construction of such railroad shall be exempt from taxation by the Government of the United States or by the government of the Philippine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia: *And provided further*, That in the law permitting the construction of such railroads the power shall be reserved to alter, amend, or repeal the same, and that no distribution of profits or dividends upon such railroad shall be paid to the stockholders in excess of 7 per cent per annum, and the said Philippine government shall have the power, in case the gross receipts exceed an amount sufficient to pay operating expenses, taxes, reasonable salaries, and dividends at the rate of 7 per cent per annum, to apply such excess to a reduction of rates of freight and fare."

Mr. McCOMAS. The first amendment, I understand, proposes the Government ownership of railroads.

Mr. NEWLANDS. Yes, sir.

Mr. McCOMAS. A form of experiment which, it seems, is adding a very extensive and bold experiment to the experiment we already are making in the archipelago.

Mr. NEWLANDS. I will simply state to the Senator that the proposition made by the committee involves one form of paternalism, and that is the aid of the government of the Philippine Islands to these roads in private ownership. The construction of the roads by the Philippine government simply involves another form of paternalism, and if one is objectionable the other is also; but if either is necessary, I prefer the construction and ownership by the Philippine government simply because I feel assured that it will save more to the Philippine people and will tend to the better government of the Philippine Islands.

Mr. McCOMAS. Mr. President, I think that section 4, as proposed by the committee, is much wiser than either amendment of the Senator from Nevada. If the experiment of state socialism is to be tried the American people had better meet it wholly on their own soil under their own Constitution.

Mr. NEWLANDS. I will state to the Senator, if he will permit me, that the United States Government has already started in this line. We have concluded to construct the Panama Canal. We could have, by a guaranty of income, secured the construction of that canal by private capital, as is contemplated here. We took the other step because, from a business standpoint, we thought it more advisable. In addition to that, we have secured on the Isthmus of Panama a railroad, and we are now engaged in its operation.

Mr. McCOMAS. The railroad is only the length of the width of the Isthmus, and that is the one canal of the whole round globe. There is not another isthmian interoceanic canal. But



if you have one railroad built by the state, you will have them all controlled by the state. It seems to me the Filipinos, for whose liberties and personal comfort the Senator from Nevada, I remember, talked a while ago so eloquently, ought not to have imposed upon them these advanced experiments.

In respect to the taxation, it seems to me there is something of a delusion about issuing a bond and making it liable to a heavy taxation, when, in fact, from human experience we know that as soon as these bonds are issued they are hidden away, bought from brokers and bankers, no longer traced, and nobody pays any taxes on them. It seems—

Mr. NEWLANDS. Will the Senator yield to me?

Mr. McCOMAS. Wait a moment. It seems that a modern and cheaper method is that the Government should be the tax collector upon every bond by issuing a bond at such a low rate of interest without tax that the Government becomes, from the issuing of the bonds, the collector of the tax that ought to be on it. It takes the tax out of the annual interest; there is no expense of collection; there are no books or returns. I think it is far better to let the Government now issue 2 per cent Government bonds, for instance, which are desirable for bank circulation, than it was in times of extremity to have issued a 6 per cent bond with a 2 or even a 4 per cent tax. In the Philippines, in respect to the six millions of money to pay for the friar lands, the Commission have been able to have those certificates, the equivalent of a bond, taken at an average of 1.7 per cent interest for the one half of that fund and 1.4 per cent interest for the other half of the fund. As these bonds are exempt, and at the lower rate of interest at which they will negotiate and to the limit of only a million and a half, they have this privilege, to extend it thirty years. Instead of paternalism by owning railroads by the Philippine government, a government now formative and developing, it is simply a subvention to that extent, limited in time, limited carefully to a small amount. If the railroads are built—and without the railroads there is no development there—it is an encouragement to that limited extent, year after year, for thirty years, to build partially the railroads. If the money is paid, it will be paid back to the Government. If the railroad fails, the Government misses each year that small amount of money. What was the question of the Senator?

Mr. NEWLANDS. I wish, before the Senator proceeds further in his argument, to correct the misapprehension which he has indulged regarding this amendment. He seems to assume that the amendment provides for the taxation of the bonds to be issued by the Philippine government. On the contrary, it expressly exempts them from taxation, not only in the Philippine Islands, but throughout the United States.

I quite agree with the Senator from Maryland that the true theory of taxation should involve simply one tax upon the railroad itself, whether it be in the shape of a property tax upon the railroad or in the shape of a tax upon the gross receipts, and that that tax upon the property of the railroad or its gross receipts should be in lieu of all taxes upon the bonds or stocks, so that the bonds and stocks could be issued without permitting any tax whatever to be imposed upon them either in the Philippine Islands or in this country. That very fact, it seems, would facilitate the financing of this railroad enterprise.

Mr. McCOMAS. To what tax does the Senator refer?

Mr. NEWLANDS. The tax provided for in my amendment is simply a tax upon the gross receipts of the railroad. I add there two amendments. The amendment which the Senator is considering is one which is to be added to the text of section 4, in case section 4 remains in the bill. It is intended simply to provide for a system of taxation of the railroad company itself by a tax of 1 per cent during the first five years on its gross receipts, and thereafter a gradual increase until the maximum of 5 per cent upon the gross receipts shall be attained, declaring that that tax shall be in lieu of all other taxes, and shall be the only tax imposed upon the railroad or its stockholders or its bondholders.

I quite agree with the Senator that it is a great mistake to tax the railroads and then tax their bonds and stocks. If you tax the railroads and then tax the bonds and stocks it is double taxation; it is taxing the whole in the hands of the corporation and the parts in the hands of the bondholders and stockholders who have simply interests in the property of the railroad corporations.

Mr. SPOONER. Is the Senator speaking to his amendment?

Mr. NEWLANDS. Yes.

Mr. SPOONER. Is it the first amendment?

Mr. NEWLANDS. No, the second amendment.

Mr. SPOONER. I did not hear that. Let the second amendment be read.

The PRESIDENT pro tempore. The Chair is informed that the amendment referred to has been sent to the Printer.

Mr. NEWLANDS. I have a copy of the amendment which can be read by the Secretary.

The PRESIDENT pro tempore. If the Senator will send his copy to the desk it will be read by the Secretary.

The SECRETARY. It is proposed to add to section 4 the following:

*Provided further*, That after the construction of any railroad under this section such railroad shall pay to the General Government an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent. That such tax shall be in lieu of all taxes—general, provincial, or municipal—and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road. And the bonds and shares of stock issued for the construction of such railroad shall be exempt from taxation by the Government of the United States, or by the government of the Philippine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia: *And provided further*, That in the law permitting the construction of such railroads the power shall be reserved to alter, amend, or repeal the same, and that no distribution of profits or dividends upon such railroads shall be paid to the stockholders in excess of 7 per cent per annum, and the said Philippine government shall have the power, in case the gross receipts exceed an amount sufficient to pay operating expenses, taxes, reasonable salaries, and dividends at the rate of 7 per cent per annum, to apply such excess to a reduction of rates of freight and fare.

Mr. McCOMAS. The senior Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on the Philippines, in charge of this bill, has by a proviso greatly improved the amendment which I presented yesterday and had printed. As it is in much better and more satisfactory form as now modified, I desire to withdraw the amendment I then presented, and to offer this in lieu of it, as it has been changed and improved by the chairman of the committee.

The PRESIDENT pro tempore. The Senator has the right to withdraw the amendment. The amendment is withdrawn by the Senator from Maryland.

Mr. McCOMAS. In lieu of that I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Does the Senator desire that the amendment shall be read?

Mr. McCOMAS. I think it had better be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. It is proposed to strike out section 5, and in lieu thereof to insert the following:

Sec. 5. That the Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power, from time to time, to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago:" *Provided, however*, That any amendment or modification of the existing tariff made hereunder shall not take effect until it shall be transmitted by the Commission, or any subsequent Philippine legislature, to the Secretary of War, who shall, after due advertisement, grant hearings to any person interested in respect to the proposed amendment or modification, and until it shall have been thereafter approved by the Secretary of War by authority of the President.

Mr. LODGE. To that amendment as amended I have no objection, Mr. President. I think it carries out the purposes of the War Department.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. The Chair supposes the Senator from Massachusetts does not wish the amendment to be acted upon now.

Mr. LODGE. No; I do not expect any amendment to be acted upon until 3 o'clock to-morrow.

Mr. PLATT of Connecticut. I should like to ask a question for information. Can the Philippine legislature, even with the approval of the Secretary of War, be clothed with authority to make a tariff for a portion of the United States which shall not apply to other portions of the United States?

Mr. LODGE. This is a tariff which applies now only to the Philippine Islands.

Mr. PLATT of Connecticut. Well, Congress did that, did it not?

Mr. McCOMAS. Congress approved it.

Mr. LODGE. Yes; Congress approved it.

Mr. PLATT of Connecticut. Then it became the act of Congress. Now, is it proposed to clothe the legislature of the Philippine Islands, or the Commission until that legislature exists, with the power, subject to the approval of the Secretary of War, to make a tariff for one portion of the United States which shall be different from the tariff prescribed by Congress for the whole United States?

Mr. LODGE. Subject to repeal or modification by Congress. Mr. PLATT of Connecticut. It does not say so. It says "when approved by the Secretary of War."

Mr. LODGE. I beg pardon. It says, "subject to repeal or modification."

Mr. PLATT of Connecticut. Well, the question still remains unanswered.

Mr. LODGE. But this tariff has no relation whatever to the tariff of the United States.

Mr. PLATT of Connecticut. It is a tariff for a portion of the United States. What becomes of the provision of the Constitution that taxes shall be uniform throughout the United States?

Mr. LODGE. If that argument were carried out, would it not apply to the Dingley tariff?

Mr. SPOONER. It is a tariff relating to property belonging to the United States but not yet incorporated into the United States, according to the decision of the Supreme Court.

Mr. PLATT of Connecticut. I merely asked for information. I thought perhaps that was a question that ought to be considered if we were to make a tariff applicable to imports into the Philippine Islands without the action of Congress.

Mr. SPOONER. Mr. President—

Mr. McCOMAS. Mr. President, if the Senator from Wisconsin will allow me, as the Senator from Connecticut will find, the amendment reads:

That the Philippine Commission and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power from time to time to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago."

That act was a tariff enacted by the Commission in the Philippine Islands, recommended by the Secretary of War and approved by the President, and the act of Congress says thereafter that it approves the act. This simply follows the same method. The chairman of the committee, the Senator from Massachusetts, has made it even more careful by adding a proviso as to what method the Secretary of War shall take before the President approves. It is the administrative features and not largely the rates which are needed to be changed in the Philippine tariff. This enables the Secretary of War and the President to approve such changes when made by the Commission or by the legislative assembly if it ever comes hereafter.

Mr. PLATT of Connecticut. Still, Mr. President, I think that the language of the amendment provides for the taking effect of such a tariff without the approval of Congress.

Mr. LODGE. Without the direct approval.

Mr. PLATT of Connecticut. Without the direct approval of Congress.

Mr. LODGE. That is the change that is made.

Mr. PLATT of Connecticut. It puts it in the power of Congress, of course, to repeal or modify the act; but the act takes effect without the approval of Congress.

Mr. McCOMAS. Until Congress shall change it. It is desired now to change something about the length of threads and the making of measurements they have on certain things, and they do not want to wait five years. They have waited three years already.

Mr. SPOONER. Mr. President, I ask the attention of the Senator from Connecticut [Mr. PLATT]. I suppose the question raised by the Senator from Connecticut is whether Congress can delegate the power to this Commission to make a tariff at all?

Mr. PLATT of Connecticut. Precisely.

Mr. SPOONER. Of course, it is certain that Congress can not disable itself from changing any tariff it has authorized. So the reservation amounts to nothing, as the Supreme Court has held. It is not necessary for Congress to reserve the right to abrogate an act of a Territorial legislature. That right could not be parted with. The Senator from Maryland [Mr. McCOMAS] does not meet the question suggested by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Let me put it in another form. Suppose the Congress says that the Secretary of War shall make a tariff for the Philippine Islands, which will be good until repealed or modified by Congress. That will present the question in concrete form. It does not necessarily go through the Philippine Commission; it goes to the finding made by the Secretary of War. Now, suppose that we leave out the Philippine Commission, and say "the Secretary of War is hereby authorized to make a tariff for the Philippine Islands, which shall be enforced unless modified or repealed by Congress." Would we have the right to do it?

Mr. McCOMAS. Then what becomes of all the volume of law passed in accordance with the act of Congress under which the Philippine government is constituted and has been exercising power and dominion for all these years?

Mr. PLATT of Connecticut. I have not kept very close track of it, but I supposed that those laws had been approved by Congress.

Mr. McCOMAS. They were approved by Congress and went into effect under the war power. When the President and Secretary of War were enabled to constitute the Commission those laws were in practical operation; but the time came when Congress approved those laws. I understand the Supreme Court has in effect in the Porto Rico case upheld the right of preliminary legislation in those possessions and as to other property of the United States. If the Senator from Connecticut be right, then every statute or ordinance that was passed either last year or the year before is not a law until Congress approves it. If a law or ordinance is made in respect of the public health in Manila, it is not in effect, if I correctly understand the Senator from Connecticut. I think the Supreme Court has held what I have stated in the insular cases.

Mr. SPOONER. Mr. President, I am not at all certain how much there is in the proposition made, or rather in the doubt suggested, by the Senator from Connecticut.

Mr. PLATT of Connecticut. I did not express any opinion.

Mr. SPOONER. I changed that and said "the doubt suggested by the Senator from Connecticut." But there is a clear line of demarcation between the great body of legislation as to the Philippines and the question raised by the Senator from Connecticut [Mr. PLATT]. The Constitution provides:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The general rule is that Congress may not delegate to subordinate tribunals—

Mr. PLATT of Connecticut. Legislative power.

Mr. SPOONER. Legislative power. But one exception to that rule, and one that has existed from the foundation of the Government and has been maintained up to to-day, and of necessity so, is the delegation of administrative or ordinary governmental power in the Territories.

This clause of the Constitution confers upon Congress the power to make rules and regulations for the government of the Territories; but to say that Congress may not delegate local powers would practically render it impossible for Congress to govern the Territories. If every rule, every regulation, for the government of the Territories must be made by Congress itself, and every modification of such rules and regulations likewise made by Congress, it would be simply destructive of the power. So, from the beginning of the Government Congress has delegated power. It may govern, as it did Louisiana, by a council. It conferred all legislative power upon that council—which was very queerly constituted, too. It may govern a Territory by a Commission and may give ordinary legislative power of local government to commissioners. In the Territorial legislatures Congress authorizes them to exercise, delegates to them, the local legislative power. The same rule as to the delegation of power holds good as to the State legislatures. The State legislatures delegate powers, governmental and local, to municipalities—the power to make ordinances, and all that. From the beginning it has been confessed that an exception to this general rule that delegated power can not be delegated is found in the case of local government.

But when you come to the question of taxation there is another clause in the Constitution which confers upon Congress the power to levy imposts, taxes, duties, etc., and provides that they shall be uniform throughout the United States. The Senator will recollect that in *Loughborough v. Blake* that provision of the Constitution was held to extend to the Territories; it was held to extend to the District of Columbia; and the court did not in the island cases abandon the doctrine of *Loughborough v. Blake*. So the two questions are here now.

Not long ago the question was raised as to the constitutionality of certain taxation in Alaska. The point was based upon the fact that the moneys collected were drawn into the Treasury of the United States. In delivering its opinion the court said that if the money was collected solely for the government of Alaska Congress was acting within its power; but very clearly the court seemed to be of the opinion that it was not in the power of Congress to levy, for the benefit of the United States, taxes that are not uniform in Alaska in common with other Territories and with the States.

I am not able to say how much point there is—

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. Putting aside for the moment the question of uniformity—I do not want to dwell on that particu-



larly—if we can authorize a commission in the Philippine Islands to make a special tariff for the goods imported into the Philippine Islands, differing from the present tariff law of the United States, and put it in force, if approved by the Secretary of War, why can not we do it for Alaska? Why can not we do it for the Hawaiian Islands? Why can not we do it for Porto Rico? Is there any distinction with regard to our right to the possession of those different territorial acquisitions of ours? They are not States, and in that sense have not become a part of the United States. I ask the Senator from Wisconsin, Is there any difference as respects the situation of Porto Rico and the Philippine Islands? We have organized a quasi-legislature in Porto Rico. We have no legislature in Alaska, and the people of Alaska can not make a law; but if we can authorize the Commission in the Philippine Islands to make a tariff law applicable to the Philippine Islands, why can not we authorize the judges in Alaska to make a tariff law applicable to Alaska?

Mr. SPOONER. I think the court has held that Alaska has been incorporated.

Mr. PLATT of Connecticut. I did not know that it had.

Mr. SPOONER. I think it has. The Senator may be able to tell me, and probably he will—

Mr. PLATT of Connecticut. I am asking a question.

Mr. SPOONER. What is necessary to distinguish between territory belonging to the United States and territory incorporated? In other words, what constitutes an incorporation of territory as contradistinguished from ownership of a territory? I will not ask the Senator to answer that now, but next winter, after he shall have had time to reflect upon it.

Mr. PLATT of Connecticut. I am unable, Mr. President, to answer it now. I believe—I think I may say “I believe”—that the Philippines are in no wise different from Porto Rico so far as their relation to the United States is concerned.

Mr. LODGE. Mr. President, there are two propositions, it seems to me, involved in this matter. One is the delegation of power; the other is the application of the clause of the Constitution in regard to uniformity of the tariff. The clause of the Constitution in regard to uniformity is not at all involved in this amendment. It is involved in the original legislation. There was a tariff made for the Philippine Islands by the Philippine Commission submitted to Congress, and by Congress approved. We did the same thing in Porto Rico, where, I think, there were three tariffs—first the war tariff, then a modification after the war had concluded, and finally the application of the Dingley Act.

In the Philippine Islands we have existing simply the tariff which we delegated power to the Commission to make. All this amendment proposes is that any modification or amendment of the Philippine tariff shall not require the direct action of Congress.

It is, of course, practically impossible under present conditions to regard the Philippine tariff as a part of the tariff laws of the United States. It is a totally different tariff. It falls equally upon the goods of the United States as upon the goods of other countries. If the tariff laws of the United States and the Philippines have got to be uniform, we have nothing to do except to extend the Dingley tariff to the islands. We have delegated such lawmaking power to the Commission, and, among other things, we have, as a matter of fact, delegated the right to make a tariff. They made a tariff and we approved it. By this amendment it is proposed to permit them to modify or amend the Philippine tariff, subject to revision by the War Department, and, of course, subject to modification or repeal by Congress.

I had supposed that under the decisions and the action already taken we had the right to delegate that power, but if the clause of the Constitution in regard to uniformity is applicable, of course no Philippine tariff can stand. We could have nothing there then except the tariff law of the United States.

The present tariff was framed, not for those islands alone, but it was framed with a view to what is known as the “open-door policy,” and with a view to maintaining our particular obligations to Spain in the Philippine Islands. I think this amendment would endanger practically nothing. It would, I believe, facilitate some changes which must be made. I do not think it involves the question of uniformity any more than does the existing tariff. I see there are doubts that may be raised as to that question, but I do not think they apply to this amendment any more than to the Philippine tariff law which already exists.

Mr. PLATT of Connecticut. Mr. President, I do not insist very much upon the suggestion that it interferes with the uniformity clause, but I do think the other doubt which lies in my question is a pretty serious one. I know that the distinction between a delegation of power and the appointment of an agent

or agencies to exercise the power of Congress is a pretty narrow one. It is possible that this would not be a delegation of power. It is possible that if the bill provides that what the Commission does is to be approved by Congress it would be merely an authorization of a certain agency to execute the power of Congress, but I do not think we can delegate the legislative power of Congress. If we do not incorporate the provision that their action is to be approved by Congress I should have some trouble about it. I do not think there is any practical difficulty in incorporating such a provision in this amendment. They have a tariff there. They want to change it. It is in operation, and there can not be any such immediate necessity for changing it as that they can not wait to get the approval of Congress, as it seems to me. But at any rate if any approval is necessary I think Congress had better retain that power of approval itself rather than to delegate the power of approval to the Secretary of War. If we delegate first the power to change the tariff—and if it is a delegation of power—and then we delegate our power of approving it to the Secretary of War, I do not think we had better have a double delegation of power, if it is a delegation of power.

Mr. SPOONER. Mr. President, I agree entirely with the Senator from Connecticut as to the last proposition, but I have not the slightest doubt of the power of Congress, under the Territorial clause of the Constitution, to delegate to local legislatures the legislative power of local government; and not simply local legislatures, but local tribunals authorized to enact legislation. There are thousands of laws in force enacted by Territorial legislatures under a provision that they shall continue in force until overruled by Congress. The approval of Congress is not a condition precedent to their going into effect at all. If Congress can not delegate such power, that would be the end of it. We would have no authority in the first place to delegate such power to local assemblages to make the law, subject to our approval. The fact that we reserve the right to approve it would not make it any less a delegation of power.

I have not any doubt about the last proposition—that Congress can not delegate to the Secretary of War or the President or anyone else this power which it possesses under the Constitution to ultimately pass upon the question whether a law enacted under the delegated power shall be approved or not. I will not support any such provision.

Mr. CULBERSON. I offer an amendment to the pending bill, which I ask to have read, printed, and lie on the table.

The PRESIDENT pro tempore. The Senator from Texas offers an amendment, which will be read.

The SECRETARY. It is proposed to amend the bill by striking out section 4 and inserting the following:

That for the purpose of aiding in the construction, equipment, operation and maintenance of railroads in the Philippine Islands, the general government thereof is authorized to grant to any railroad company hereafter created and organized in said islands, under the laws thereof, not exceeding 8,000 hectares of land out of the unappropriated public land in the Philippine Islands for each mile of railroad constructed, completed, and put in running order. The general government of the Philippine Islands shall provide by general law for carrying this section into effect, but no land shall be granted to any company until it shall have constructed, completed, and put in running order a section of 25 miles or more of its road, and not until the same shall have been inspected by some skillful engineer, appointed under the authority of the Philippine government, and reported by him to be completed and in running order.

The general government of the Philippine Islands shall also provide by general law for the selection, survey, and location of land granted under this section, but the lands granted shall be selected, surveyed, and located substantially in the following manner: Certificates shall be issued entitling the railroad company to 1,600 hectares of land each, equal to 8,000 hectares per mile of road completed and put in running order, whereupon said company may apply to the proper authority to survey any quantity of vacant land subject to location under such certificate not to exceed twice the quantity of certificates so issued, which surveys when made shall be numbered consecutively, and patents to said company shall be issued for the odd sections of such surveys of 1,600 hectares, and the even sections shall be set apart as a permanent school fund for the inhabitants of the Philippine Islands. And one-half of the entire unappropriated public domain in the Philippine Islands is hereby set apart as a permanent school fund for the inhabitants of said islands, and no part of said land shall at any time be granted, sold, or in any other manner disposed of unless at the same time an equal quantity shall be set apart and segregated in a manner to be prescribed by general law by the Philippine government as a permanent school fund for the inhabitants of said islands.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BAILEY. I desire to offer an amendment, which I ask to have printed and lie on the table. I will say that I think this is the law without the amendment, but in order to make it doubly sure I offer the amendment.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from Texas desire that the amendment be read?

Mr. GORMAN. I ask that it be read.

Mr. BAILEY. Let it be read.



The SECRETARY. It is proposed to add, after the word "years," in line 10, page 5, the following:

*Provided further,* That before any guaranty of interest or income as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CULBERSON. I am not certain that I will offer this amendment, but in order to be on the safe side, I ask that it be read and printed, so that I can offer it if I see proper.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, after the word "years," in line 10, it is proposed to insert:

*And provided further,* That on railroads in the Philippines upon which an income is guaranteed under the provisions of this section mails of the United States and the Philippines, and the postal servants thereof, shall be carried free, and troops and military stores of the United States and the Philippines shall be carried at rates 15 per cent less than the usual rates in force on such roads, for the full term of the guaranty period.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SPOONER. Mr. President, I hardly think, if the government is to guarantee the interest on the bonds or the dividends on the stock not earned by a railroad company that it ought to diminish the earnings of the company by gross-earning taxes, or by requiring the company to charge less to the government for services than it would to citizens there for similar service.

Mr. CULBERSON rose.

Mr. SPOONER. But I did not rise to discuss that amendment.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. CULBERSON. I stated to the Senate that I was not certain that I would offer the amendment, but in view of the unanimous-consent agreement I thought it best to present it now, so that I could offer it if at the time I thought proper.

I call attention to the fact, however, that in India, under the policy of guaranteeing 5 per cent income, the railroads are required to carry the mails and the postal servants of the government free, and the troops and military stores at a reduced rate. I offer the amendment for the consideration of the Senate, with a view, if I see proper at the time, to present it.

Mr. SPOONER. I had more in mind the gross-earnings tax.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. I wish to say to the Senator from Wisconsin that the gross-earnings tax covered by the amendment which I offered, instead of imposing a burden upon the railroad companies will relieve them, I believe, of what may be a very oppressive burden, and that is a tax upon the value of their property, to be ascertained in the method now provided in the Philippine Islands. The percentage tax which my amendment proposes is in lieu of all other taxes, not only upon the property of the road, but upon its stock and bonds. It is made very low at first, 1 per cent of the gross receipts for five years, then gradually increasing at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent. I assume when that total is reached the tax on the property will not be any larger than that which would be laid by the corporation if it submitted to a tax upon valuation.

Mr. SPOONER. Whether the property shall be taxed or not is a matter yet to be determined. This guaranty is to run for thirty-five years, and it has occurred to me that if the railroad company is unable to earn income sufficient to pay operating expenses and interest on its bonds and other fixed charges while the guaranty is outstanding the Philippine government would not probably diminish the earnings by levying a gross-earnings tax or any other tax.

Mr. NEWLANDS. I understood from the Senator from Massachusetts [Mr. LODGE] that as soon as this railroad is constructed it will come under the operation of the existing law there regarding taxation. There is no power in the Philippine government to relieve it from general taxation. That is the reason why Congress should provide some tax in lieu of the general property tax.

Mr. SPOONER. We will have to deal ourselves with that matter.

Mr. CLAY. Under the provisions of this bill, suppose the

roads should earn more than enough to pay fixed charges, and there should be a surplus that could be applied to interest. Is there any provision in this bill which would compel the directors to apply it to the interest, so as to save the Philippine government part of the interest?

Mr. SPOONER. I am not at all satisfied with the manner in which the section is guarded, but the liability is contingent; it is treated as a contingent liability.

Mr. CLAY. Does the Senator think that under the bill as it stands the company could use the earnings, if they amount to more than enough to pay the fixed charges, for other purposes than to pay the interest, and leave the Philippine government to pay the interest, regardless of the fact that the road earned more than enough to pay the fixed charges?

Mr. SPOONER. I doubt it, but an amendment has been prepared or will be prepared which will make that perfectly clear.

I wish to recur for one moment to section 3, to which I called attention yesterday afternoon. I do not like the section. I called the attention of the Senate yesterday afternoon to the fact that really the principal change from the existing law is the elimination of Congress. Under the law as it stands the municipalities are authorized to issue bonds under such limitations, terms, and conditions as the Philippine government may prescribe, with the consent and approval of the President and the Congress of the United States. This bill is almost in the same language, but it strikes out the words "and the Congress." If the law is to be enlarged in that respect, I think its provisions ought to be diminished in some other respects.

We are trustees for that people, and if there is any one thing of which we ought to be solicitous and careful above another in dealing with people so constituted and in such an environment it is the debt-making power—the power to mortgage the future. They have had no experience there in municipal indebtedness. They have not learned the lesson, as some communities in our country had not learned the lesson, that it is much easier to incur an indebtedness than it is to pay it. I think there are a class of improvements in some of the municipalities, perhaps many of them, which they might provide for by current taxation. It might take a year or two years or three years to raise the money. I think it is important to that people that they should, so far as it can be done in harmony with the promotion of public health and reasonable development there, learn what it means to pay taxes before they go at large into this rather alluring and easy municipal function, if the authority be broad enough, of incurring bonded indebtedness spread through many years.

I can see, as the Senator from Massachusetts said yesterday, and it is obvious, that it would not do to permit no reasonable improvement to be made or indebtedness for that purpose to be incurred by municipalities in the Philippines without first securing the sanction of Congress in each case. We are not accessible part of the time. It takes time to secure the passage of measures, and it would be putting a restriction upon development there which I think would be an unreasonable one.

At the same time, I dislike, for one, to turn the whole power over to the Commission in the Philippines, to authorize, in the broad language of this section, the bonding of all municipalities, of which there are about 900, with no limit except the 5 per cent limit upon the taxable values. In our own country, with such a limit, assessments have been increased by assessors and municipal officers in order thereby to raise the limit of municipal bonded debt. How it would be over there, with a competition in large expenditures, I do not know. But I think it does not require overcaution to lead one to fear that pretty careful supervision is required here of this subject in the interest of the inhabitants of the islands.

I want to cut down by an amendment of this section the language as to improvements and make it specific. It now reads:

*That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements.*

People who never have had much, situated as they are, can wisely move slowly to luxury as contradistinguished from the necessity. And so I shall move to insert after the word "construct," in the ninth line, the word "necessary;" to strike out the final "s" in the word "sewers;" to strike out the words "to furnish adequate sewer" in line 9; to strike out the words, beginning in line 10, "to provide all kinds of municipal betterments and improvements," and insert in lieu thereof the words "necessary buildings for primary public schools;" after the word "islands," in line 12, insert the words "may where current taxation is inadequate for the purpose;" strike out the word "may" before the word "authorize," in line 15, and insert at the end of the section the words "and that no such municipi-



pality shall exercise the power to issue bonds under the provisions hereof without the approval of the President." The section would then read thus:

That for the purpose of providing funds to construct necessary sewer and drainage facilities, to secure a sufficient supply of water and necessary buildings for primary public schools in municipalities, the government of the Philippine Islands may, where current taxation is inadequate for the purpose, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per centum per annum: *Provided*, That no such municipality shall exercise the power to issue bonds under the provisions hereof without the approval of the President.

We have adopted in some of the State constitutions, among them my own, a requirement that before incurring any such indebtedness provision shall be made for raising by taxation the money necessary to pay the interest from time to time which will accrue upon the bonds, and to pay into a sinking fund a sum sufficient to discharge the indebtedness when it matures. Whether that is practicable over there or not I do not know, but it would bring to the municipalities, if it be practicable, very distinctly the notion in limine that they are incurring an obligation which in the end must be paid, principal and interest, and that they are providing for its payment by the levy of a continuing, an annual tax, for interest and sinking fund. I do not move to insert such provision, for I am not sufficiently familiar with the situation over there to know whether it would be practicable, but I think the amendment which I have proposed will minimize at least what may turn out to be, without some restrictions and safeguards of the kind, the granting of a power which never ought to have been granted in terms so broad.

The PRESIDING OFFICER. The Chair supposes that the Senator from Wisconsin desires to have the amendment printed and lie on the table.

Mr. SPOONER. Certainly. It is not in order to offer it. I only called attention to it that it might be taken down.

Mr. CULBERSON. Mr. President, it seems that there are about 120 miles of railroad now in the Philippines in operation. In the report of the Chief of the Bureau of Insular Affairs to the Secretary of War for this year I find the following at page 8:

It has been authoritatively reported that a New York financial concern has acquired in the last few months the control from English owners of the Manila-Dagupan Railroad, which should form part of the proposed railway system in the islands.

I have examined section 4 hastily to see if under its provisions an income can be guaranteed under the present railroad mileage in the Philippines, and it seems to me that it may be.

Mr. LODGE. Does not the Senator think that the amendment, which was adopted yesterday by unanimous consent, in line 3 prevents that?

Mr. CULBERSON. I had not noticed the amendment in line 3.

Mr. LODGE. It reads now:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads as the Philippine government may specifically authorize to be constructed.

Mr. CULBERSON. I am inclined to think that that provision would cover it, though I had not noticed it at the time I rose to call attention to the section. I will, however, offer this amendment, which I am sure will reach the point. I move to amend by inserting after the word "railroads," in line 2, page 4, the words "hereafter constructed."

I offer this amendment and ask that it be printed and lie on the table to meet this phase of the case.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. LODGE. I think if the Senator were to insert after the word "may," in line 3, if he has the reprint of to-day before him—

Mr. CULBERSON. Yes; I have it.

Mr. LODGE. If he were to insert "such railroads as the Philippine government may hereafter specifically authorize to be constructed" it would answer the same purpose as his own amendment.

Mr. CULBERSON. Does the Senator, for the committee, accept the amendment?

Mr. LODGE. I can not accept it now, but I will accept it when we come to take up the amendments.

Mr. ALLISON. I offer an amendment for consideration at some time when in order. At the end of section 4, on page 5,

after line 10, I propose to insert the following additional proviso:

*Provided further*, That section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the provisions of this section.

Mr. BAILEY. I should like to have section 74 of that act printed with the amendment. I am inclined to think that section 74 will reach the very point which I sought to reach by an amendment a few moments ago, and I should like to have that section of the act before me.

Mr. ALLISON. I offer this amendment because it is possible that there may be doubt about the section applying to this bill, although I think the provisions of the organic act now apply to the bill. I ask that the Secretary may read it.

Mr. BAILEY. Then I will reach my object by just asking that section 74 be printed right along with it.

Mr. LODGE. There is no need of reading it.

Mr. ALLISON. No.

Mr. LODGE. Then let section 74 be printed in the RECORD with the amendment offered by the Senator from Iowa.

The PRESIDING OFFICER. Without objection, section 74 of the act will be ordered printed in the RECORD.

The section referred to is as follows:

SEC. 74. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than \$10,000. (Approved July 1, 1902.)

Mr. GORMAN. I offer an amendment, and ask that it be printed.

Mr. MALLORY. Let it be read.

Mr. GORMAN. Yes; let it be read.

The SECRETARY. At the end of section 4, on page 5, at the end of line 10, add the following additional proviso:

*And provided further*, That in each and every case where any railroad company shall issue either preferred or common stock, the same shall be sold for not less than the par value in gold coin of the United States or its equivalent.

Mr. LODGE. That, I will say to the Senator from Maryland, is covered by section 74 of the act of 1902, which the Senator from Iowa proposes to specifically put in.

Mr. ALLISON. That is a part of section 74 of the act.

Mr. LODGE. If there are no further amendments to be offered or no further debate to-day, I will move that the Senate proceed to the consideration of executive business. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Friday, December 16, 1904, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate December 15, 1904.*

#### PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Claude C. Bloch to be a lieutenant in the Navy from the 8th day of November, 1904, vice Lieut. George R. Evans, promoted.

Capt. Royal B. Bradford to be a rear-admiral in the Navy from the 23d day of November, 1904, vice Rear-Admiral Theodore F. Jewell, retired.

Commander William H. Beehler to be a captain in the Navy from the 23d day of November, 1904, vice Capt. Royal B. Bradford, promoted.

Gunner Charles E. Jaffee to be a chief gunner in the Navy from the 11th day of July, 1904, upon the completion of six years' service in accordance with an act of Congress approved April 27, 1904.

Gunner Herbert Campbell to be a chief gunner in the Navy from the 27th day of April, 1904, after having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy from the 28th day of October, 1904, upon the completion of six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Asst. Surg. Paul E. McDonnold to be a passed assistant surgeon in the Navy from the 2d day of July, 1904, upon the completion of three years' service.

#### PROMOTION IN THE MARINE CORPS.

Lieut. Col. Paul St. C. Murphy to be a colonel in the Marine Corps from the 9th day of December, 1904, vice Col. Francis H. Harrington, retired.

#### POSTMASTER.

##### NEW YORK.

John Smythe to be postmaster at Cold Spring, in the county of Putnam and State of New York, in place of Ellis H. Timm. Incumbent's commission expired December 10, 1904.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 15, 1904.*

##### CONSULS.

John B. Terres, of New York, to be consul of the United States at Port au Prince, Haiti.

Jerome B. Peterson, of New York, to be consul of the United States at Puerto Cabello, Venezuela.

Paul Nash, of New York, lately secretary of the legation and consul-general at Bangkok, Siam, to be consul of the United States at Venice, Italy.

George H. Moulton, of Colorado, lately consul at Demerara, Guiana, to be consul of the United States at Georgetown, Demerara, Guiana.

#### COMMISSIONER OF IMMIGRATION AT SAN JUAN, P. R.

Graham L. Rice, of Wisconsin, who was appointed November 28, 1904, during the recess of the Senate, to be commissioner of immigration at the port of San Juan, P. R., in the Department of Commerce and Labor.

#### REGISTER OF LAND OFFICE.

Robert N. Dunn, of Wallace, Idaho, who was appointed May 20, 1904, during the recess of the Senate, to be register of the land office at Coeur d'Alene, Idaho.

#### APPOINTMENTS IN THE ARMY.

##### Artillery Corps.

Capt. Thomas F. Dwyer, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from October 29, 1901.

##### Infantry Arm.

Capt. Carroll F. Armistead, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from October 29, 1901.

Second Lieut. Samuel S. Bryant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, November 30, 1904, vice Moreno, appointed second lieutenant of infantry, United States Army.

#### PROMOTIONS IN THE ARMY.

##### Medical Department.

Capt. George D. Deshon, assistant surgeon, to be surgeon with the rank of major, December 5, 1904.

##### Cavalry Arm.

Second Lieut. James P. Barney, Fourth Cavalry, to be first lieutenant, October 22, 1904.

APPOINTMENT IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.  
*To be assistant surgeon with the rank of captain, from July 1, 1904.*

José Lugo-Viña, of Porto Rico, late captain and assistant surgeon, Porto Rico Provisional Regiment of Infantry.

#### POSTMASTERS.

##### ALABAMA.

James A. Chambliss to be postmaster at Enterprise, in the county of Coffee and State of Alabama.

Hugh R. Duggan to be postmaster at Florala, in the county of Covington and State of Alabama.

May T. Fowler to be postmaster at Uniontown, in the county of Perry and State of Alabama.

George W. Russell to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

Sylvanus L. Sherrill to be postmaster at Hartsells, in the county of Morgan and State of Alabama.

Thomas H. Stephens to be postmaster at Gadsden, in the county of Etowah and State of Alabama.

John Sutterer to be postmaster at Cullman, in the county of Cullman and State of Alabama.

John X. Thomas to be postmaster at Pratt City, in the county of Jefferson and State of Alabama.

Byron Trammell to be postmaster at Dothan, in the county of Houston and State of Alabama.

##### COLORADO.

Henry W. Lance to be postmaster at Rocky Ford, in the county of Otero and State of Colorado.

Robert S. Lewis to be postmaster at Canon City, in the county of Fremont and State of Colorado.

Eva T. Wheeler to be postmaster at Crested Butte, in the county of Gunnison and State of Colorado.

##### FLORIDA.

Enoch E. Skipper to be postmaster at Bartow, in the county of Polk and State of Florida.

George A. W. Wendell to be postmaster at Quincy, in the county of Gadsden and State of Florida.

Louis Wiseloge to be postmaster at Marianna, in the county of Jackson and State of Florida.

##### NEW YORK.

John Smythe to be postmaster at Cold Spring, in the State of New York.

Nathan P. Wild to be postmaster at Valatie, in the county of Columbia and State of New York.

##### PENNSYLVANIA.

Thomas D. Alexander to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

Andrew C. Allison to be postmaster at Millintown, in the county of Juniata and State of Pennsylvania.

Abraham F. Berkey to be postmaster at Windber, in the county of Somerset and State of Pennsylvania.

Charles Clawson to be postmaster at Mercer, in the county of Mercer and State of Pennsylvania.

William A. Feist to be postmaster at White Haven, in the county of Luzerne and State of Pennsylvania.

Henry O. Garber to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania.

Hugh W. Gilbert to be postmaster at Quarryville, in the county of Lancaster and State of Pennsylvania.

William S. Gleason to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania.

William Krause to be postmaster at Richland Center, in the county of Bucks and State of Pennsylvania.

James C. McGregor to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania.

John W. Miller to be postmaster at South Sharon, in the county of Mercer and State of Pennsylvania.

Lyman L. Shattuck to be postmaster at Pleasantville, in the county of Venango and State of Pennsylvania.

Albert H. Swing to be postmaster at Coatsville, in the county of Chester and State of Pennsylvania.

#### EXTRADITION WITH HAITI.

The injunction of secrecy was removed December 15, 1904, from a treaty between the United States and the Republic of Haiti for the mutual extradition of criminals, signed at Washington on August 9, 1904.

#### CUBAN EXTRADITION TREATY.

The injunction of secrecy was removed December 15, 1904, from a protocol signed at Washington on December 6, 1904, by the representatives of the United States and Cuba, by which the United States accepts certain amendments made by the Cuban Senate in the Spanish text of the extradition treaty between the two countries, signed on April 6, 1904, and approved by the Senate of the United States on April 26, 1904.



## HOUSE OF REPRESENTATIVES.

THURSDAY, *December 15, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5512. An act granting an increase of pension to John W. Carleton;  
 S. 1996. An act granting an increase of pension to William R. Williams;  
 S. 2212. An act granting a pension to Charles N. Wood;  
 S. 5514. An act granting an increase of pension to Samuel S. Lamson;  
 S. 3742. An act granting an increase of pension to Juliet C. Bainbridge-Hoff;  
 S. 1539. An act granting an increase of pension to Edward Shiffett;  
 S. 4767. An act granting an increase of pension to Henry Snidemiller;  
 S. 3906. An act granting an increase of pension to James H. V. Voldo, alias James H. Venier;  
 S. 424. An act granting a pension to George W. Lehman;  
 S. 5859. An act granting an increase of pension to Henry Breslin;  
 S. 5735. An act granting an increase of pension to Washington Lenhart;  
 S. 5744. An act granting an increase of pension to Joseph A. Rhodes;  
 S. 5743. An act granting an increase of pension to James Riordan;  
 S. 5742. An act granting an increase of pension to Nickles Dockendorf;  
 S. 5738. An act granting an increase of pension to Enoch Russell;  
 S. 5737. An act granting an increase of pension to John W. See;  
 S. 5733. An act granting an increase of pension to Monroe Wright;  
 S. 5858. An act granting an increase of pension to John Hubbard;  
 S. 5857. An act granting an increase of pension to James Bryson;  
 S. 5734. An act granting an increase of pension to George H. Woodbury;  
 S. 5745. An act granting an increase of pension to Mary M. Mitchell;  
 S. 5736. An act granting an increase of pension to Charles E. Gilbert;  
 S. 5746. An act granting an increase of pension to Anne Jones;  
 S. 5450. An act granting an increase of pension to George R. Lingenfelter;  
 S. 2287. An act granting an increase of pension to S. J. Brainard;  
 S. 5531. An act granting an increase of pension to Catherine Jones;  
 S. 5501. An act granting an increase of pension to Sarah A. Rowe;  
 S. 4002. An act granting an increase of pension to Susan E. Armitage;  
 S. 3390. An act granting a pension to Emily E. Cram;  
 S. 5379. An act granting an increase of pension to Bird Solomon;  
 S. 5378. An act granting an increase of pension to John H. Ash;  
 S. 4070. An act granting an increase of pension to A. Fellenreter;  
 S. 2238. An act granting an increase of pension to William Strawn;  
 S. 5572. An act granting an increase of pension to Alafire Chastain;  
 S. 1208. An act granting an increase of pension to Samuel G. Magruder;  
 S. 5574. An act granting an increase of pension to Colon Thomas;  
 S. 1207. An act granting an increase of pension to James D. Stewart;

S. 3076. An act granting a pension to Arthur W. Post;  
 S. 5496. An act granting an increase of pension to Jesse L. Sanders;  
 S. 5472. An act granting an increase of pension to Mary J. Weems;  
 S. 5589. An act granting an increase of pension to Mary E. Burrell;  
 S. 5508. An act granting a pension to Abraham B. Miller;  
 S. 5558. An act granting an increase of pension to Susan C. Schroeder;  
 S. 316. An act granting an increase of pension to Elmore Y. Chase;  
 S. 2972. An act granting an increase of pension to Thomas Boyle;  
 S. 5346. An act granting an increase of pension to Amon A. Webster;  
 S. 2117. An act granting an increase of pension to Phillip L. Hiteshew;  
 S. 2574. An act granting an increase of pension to Nelson Percell;  
 S. 5741. An act granting an increase of pension to Stephen Welch;  
 S. 3356. An act granting an increase of pension to Rebecca A. Teter;  
 S. 3286. An act granting an increase of pension to Charles D. Creed;  
 S. 554. An act granting an increase of pension to Thomas P. Farley;  
 S. 2096. An act granting an increase of pension to John W. Millett;  
 S. 4382. An act granting an increase of pension to John B. Harvey;  
 S. 5214. An act granting an increase of pension to William P. Renfro;  
 S. 4408. An act granting an increase of pension to Robert N. Button;  
 S. 3232. An act granting an increase of pension to William O. Gould;  
 S. 1810. An act granting an increase of pension to George W. Thomas;  
 S. 3755. An act granting an increase of pension to William H. Covert;  
 S. 5427. An act granting an increase of pension to Ruhema C. Horsman;  
 S. 4221. An act granting an increase of pension to Henry C. Stroman;  
 S. 552. An act granting a pension to Ira K. Eaton;  
 S. 4208. An act granting an increase of pension to Sarah Forsythe Bache;  
 S. 3357. An act granting an increase of pension to Welcome B. French;  
 S. 3100. An act granting an increase of pension to Howard Wiley;  
 S. 377. An act granting an increase of pension to Ezra W. Cartwright;  
 S. 4383. An act granting a pension to Mary E. Penn;  
 S. 3522. An act granting an increase of pension to Samuel J. Dennison;  
 S. 4273. An act granting an increase of pension to Frazee A. Campbell;  
 S. 2286. An act granting an increase of pension to James Thompson;  
 S. 3453. An act granting an increase of pension to David Whitney;  
 S. 5732. An act granting a pension to Philip Lawotte;  
 S. 5740. An act granting an increase of pension to Clemon Clooten;  
 S. 5739. An act granting an increase of pension to Adolphe Bessie;  
 S. 5129. An act granting an increase of pension to Thompson Martin;  
 S. 5428. An act granting an increase of pension to Joseph J. Hedrick;  
 S. 3482. An act granting an increase of pension to Alfred H. Le Fevre;  
 S. 5271. An act granting an increase of pension to Paul Diebitsch;  
 S. 2493. An act granting an increase of pension to Alfred Tichurst;  
 S. 2492. An act granting an increase of pension to George W. Tuttle;  
 S. 4393. An act granting an increase of pension to Cora A. Baker;  
 S. 2274. An act granting an increase of pension to Joseph J. Carson;

S. 5339. An act granting an increase of pension to Sidney B. Hamilton;  
 S. 4808. An act granting an increase of pension to John Worley;  
 S. 2339. An act granting an increase of pension to Carolina Apfel;  
 S. 4199. An act granting a pension to William Rufus Kelly;  
 S. 2890. An act granting a pension to Andrew C. Kemper;  
 S. 844. An act granting an increase of pension to Mary L. Duff;  
 S. 2333. An act granting a pension to Benjamin F. Hall;  
 S. 4986. An act granting an increase of pension to Philo S. Bartow;  
 S. 5358. An act granting an increase of pension to Thomas Talor;  
 S. 3001. An act granting an increase of pension to Adrianna Lowell;  
 S. 5190. An act granting an increase of pension to William Berry;  
 S. 567. An act granting an increase of pension to William Cody;  
 S. 2518. An act granting an increase of pension to Clarinda A. Spear;  
 S. 566. An act granting an increase of pension to William H. Hart;  
 S. 5445. An act granting an increase of pension to Caroline L. Guild;  
 S. 5206. An act granting an increase of pension to Lucy Jane Ball;  
 S. 5444. An act granting a pension to Julia E. Neale;  
 S. 801. An act granting an increase of pension to Samuel L. D. Goodale;  
 S. 2581. An act granting an increase of pension to Myron D. Hill;  
 S. 5345. An act granting an increase of pension to Thomas Coughlin;  
 S. 850. An act granting an increase of pension to Henry V. Sims;  
 S. 5120. An act granting an increase of pension to William H. Chamberlain;  
 S. 2231. An act granting an increase of pension to Bessie M. Dickinson;  
 S. 5758. An act granting an increase of pension to Sallie B. Weber;  
 S. 4766. An act granting an increase of pension to Frederick Clark;  
 S. 4395. An act granting an increase of pension to Thomas H. Walker;  
 S. 1830. An act granting an increase of pension to Sarah E. Austin;  
 S. 5297. An act granting an increase of pension to Jerry L. Gray;  
 S. 5532. An act granting an increase of pension to Edwin A. Knight;  
 S. 4151. An act granting an increase of pension to Thomas J. Spencer;  
 S. 5714. An act granting an increase of pension to John McKenne;  
 S. 5713. An act granting an increase of pension to Robert Crowther;  
 S. 5715. An act granting an increase of pension to Benjamin Bickford;  
 S. 5781. An act granting an increase of pension to John A. Steele;  
 S. 5530. An act granting a pension to William R. Cahoon;  
 S. 5810. An act granting an increase of pension to Joseph Reber;  
 S. 5716. An act granting an increase of pension to Dotha J. Whipple;  
 S. 5811. An act granting an increase of pension to Franklin Waller;  
 S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;  
 S. 5476. An act granting an increase of pension to Joel F. Howe;  
 S. 5661. An act granting an increase of pension to Daniel B. Bush;  
 S. 2850. An act granting an increase of pension to Sallie J. Calkins;  
 S. 2848. An act granting an increase of pension to William H. Lewis;  
 S. 2009. An act granting a pension to Richard Dunn;  
 S. 5535. An act granting an increase of pension to Alexander McConneha;  
 S. 776. An act granting an increase of pension to Calvin H. Morris;

S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;  
 S. 3239. An act granting an increase of pension to George W. D. Buchanan;  
 S. 1413. An act granting an increase of pension to Louisa D. Miller;  
 S. 266. An act granting a pension to Emma S. Harney;  
 S. 4477. An act granting an increase of pension to John C. Craven;  
 S. 4038. An act granting an increase of pension to George E. Yingling;  
 S. 2310. An act granting an increase of pension to William Dar;  
 S. 784. An act granting an increase of pension to Beverly Waugh;  
 S. 2945. An act granting an increase of pension to Sallie M. Nuzum;  
 S. 1541. An act granting an increase of pension to Commodore P. Hall;  
 S. 4103. An act granting an increase of pension to John W. Rulette;  
 S. 3624. An act granting an increase of pension to Peter D. Moore;  
 S. 2915. An act granting a pension to Mary Williamson;  
 S. 3982. An act making an additional appropriation for the Battery Point post light, in the State of Washington;  
 S. 4007. An act to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California;  
 S. 4005. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;  
 S. 4004. An act to establish at Cape Mendocino, California, quarters for the light keeper;  
 S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington;  
 S. 701. An act to validate certain certificates of soldiers' additional homestead rights; and  
 S. 5704. An act to incorporate the American National Red Cross.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 86.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed from existing stereotype plates and bound in cloth 1,500 copies of the "Executive Register of the United States, 1789 to 1902," of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3982. An act making an additional appropriation for the Battery Point post light, in the State of Washington—to the Committee on Appropriations.

S. 701. An act to validate certain certificates of soldiers' additional homestead right—to the Committee on Private Land Claims.

S. 4007. An act to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California—to the Committee on Interstate and Foreign Commerce.

S. 4005. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 5704. An act to incorporate the American National Red Cross—to the Committee on Foreign Affairs.

S. 4004. An act to establish, at Cape Mendocino, California, quarters for the light keeper—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 86.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed from existing plates and bound in cloth 1,500 copies of the Executive Register of the United States, 1789 to 1902, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives—to the Committee on Printing.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River in the State of Minnesota;



- S. 3791. An act granting an increase of pension to Edwin J. Tenney;  
 S. 4417. An act granting an increase of pension to Chadbourne H. Warren;  
 S. 4690. An act granting an increase of pension to Andrew W. Switzer;  
 S. 5184. An act granting a pension to Ethel Talley;  
 S. 5263. An act granting a pension to Annie M. Eapolucci;  
 S. 5416. An act granting an increase of pension to James A. Hopson;  
 S. 5423. An act granting an increase of pension to Ellen J. Morton;  
 S. 5484. An act granting an increase of pension to Burnetta B. Lehmann;  
 S. 5492. An act granting an increase of pension to Mary F. Holden;  
 S. 5556. An act granting an increase of pension to Sarah A. Hoback; and  
 S. 2114. An act to fix the rank of certain officers in the Army.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States, were communicated to the House of Representatives by Mr. FOSTER, one of his secretaries.

## PONCE AND GUAYAMA RAILROAD COMPANY.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on April 2, 1904, authorizing the transfer to the Ponce and Guayama Railroad Company of the franchise, rights, and exemptions granted to the Compania de los Ferrocarriles de Puerto Rico for the construction and maintenance of a railway between Ponce and Guayama; and also the transfer and assignment of such franchise, rights, and exemptions from the American Railroad Company of Porto Rico Central Aguirre Operator to the said Ponce and Guayama Railroad Company.

This ordinance was approved by the President of the United States on May 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

## AMERICAN RAILROAD COMPANY OF PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the committee on Insular Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track connecting its warehouse at the Playa of Ponce with its main line, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

## VANDEGRIFT CONSTRUCTION COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on July 7, 1904, amending an ordinance granting to the Vandegrift Construction Company the right to build and operate a line of railway between the municipality of San Juan and the Playa of Ponce in the island of Porto Rico, and to develop electric energy by water or other power for distribution and sale for railway, lighting, and industrial purposes.

This ordinance was approved by the President of the United States on August 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

## AMERICAN RAILROAD COMPANY OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the

accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on November 4, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track running from its station of Lajas in the southwest direction toward the district of Boqueron for a distance of about 7 kilometers, which ordinance was approved by the President of the United States on December 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

## PONCE RAILWAY AND LIGHT COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed.

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Ponce Railway and Light Company the right to construct branch tracks, or extensions of its present line of railway, around the Playa of Ponce, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

## CHANGES OF REFERENCE.

By unanimous consent the following changes of reference were made:

House Document 49, estimates of appropriations for the Indian service, from the Committee on Appropriations, to the Committee on Indian Affairs.

House Document 89, estimates of emergency appropriations for combating the boll weevil, from the Committee on Appropriations, to the Committee on Agriculture.

House Document 94, estimates of appropriations for the diplomatic and consular service, from the Committee on Appropriations, to the Committee on Foreign Affairs.

House Document 104, additional papers in the claim of Naomi E. Daly, from the Committee on Appropriations, to the Committee on Claims.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OTIS indefinitely, on account of sickness.

CONTESTED-ELECTION CASE OF REYNOLDS *v.* BUTLER.

Mr. OLMSTED. Mr. Speaker, by direction of the Committee on Elections No. 2, I present a resolution from that committee, with an accompanying report, in the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth district of Missouri, for present consideration. In view of previous contests in the last Congress, in which one of the parties to this contest was involved, and from the district partly but not entirely the same, it is proper that a brief statement should be made at this time with relation to the action which the committee now asks the House to take. At the regular election for the choice of a Representative in the Fifty-seventh Congress—

The SPEAKER. Will the gentleman from Pennsylvania suspend a moment until the Clerk reports the resolution?

The Clerk read as follows:

*Resolved*, That Committee on Elections No. 2 shall be, and is hereby, discharged from further consideration of the contested-election case of George D. Reynolds *v.* James J. Butler, from the Twelfth Congressional district of Missouri.

Mr. OLMSTED. At the regular Congressional election in 1900 James J. Butler was returned as elected a Representative in the Fifty-seventh Congress from the Twelfth district of Missouri. His seat was contested by William M. Horton. The Committee on Elections No. 1, to which that case was referred, reported that the election was so permeated with fraud that there had not been a fair expression of the choice of the voters, and the House, acting upon that report, voted to declare the seat vacant. Thereupon the governor of Missouri ordered a special election to fill the vacancy. At that election Mr. Butler was again a candidate to fill the vacancy caused by his own unseating. Mr. Wagoner was a candidate against him. Mr. Butler was again returned as elected, and at the second session of the Fifty-seventh Congress Mr. Wagoner contested his election. In that case the Committee on Elections No. 2, to which it was referred,

reported that in certain districts named the frauds were so glaring and so gross and so clearly proved that, following the numerous precedents of this House and repeated decisions of the courts, it became necessary to exclude those precincts entirely, because it was impossible to tell what honest votes, if any, had been cast by duly authorized persons, and on the 26th day of February, 1903, the House declared that contest in favor of Mr. Wagoner, giving him the seat in place of Mr. Butler. Now, it happened that the day fixed by the governor of Missouri for the holding of the special election to fill that vacancy was also the day fixed by law for the holding of the regular election of a Member of Congress to a seat in the Fifty-eighth Congress—this present Congress. Mr. Butler was a third time a candidate, and against him in that election was Mr. Reynolds, the present contestant. Mr. Butler was returned as elected by a majority of 6,618. At the beginning of this Congress his seat was contested by Mr. Reynolds. It now appears that between the regular election for the Fifty-seventh Congress and the date of the regular election for the Fifty-eighth Congress the legislature of Missouri had redistricted the State, so that the district in which Mr. Reynolds, the present contestant, ran against Butler was not identical with the district in which Wagoner ran against him for the Fifty-seventh Congress. Twenty precincts in the original Twelfth Missouri district, constituting territorially more than one-half of the district and being that part of the district in which Mr. Wagoner received a Republican majority, were, in the redistricting, eliminated from the district and ten precincts were added. So you see, Mr. Speaker, that the districts were not identical. Certain precincts, however, were common to both districts. Now, in the first place it is contended that the contestant in this case did not take his testimony within the time provided by the act of Congress, which declares that the contestant may take testimony within forty days, the contestee then for forty days, and the contestant, after that, ten days in rebuttal only. In this case no testimony was taken until the forty-third calendar day, and the testimony taken then was of comparatively no importance. Some testimony upon which the contestant relied was taken as late as the one hundred and tenth day.

Now, the contestant argues that the statute should be so construed as to exclude both Sundays and holidays, and that that being done the greater part of his testimony was taken within forty days. The committee has found itself unable to take that view. We find the true rule of construction to hold that neither Sundays nor holidays are to be excluded from the count unless the last day falls on Sunday, in which case the act may be performed on Monday. In another section of this particular statute regarding notice Sundays are specifically excluded, and generally where Congress has intended that Sundays be excluded it has so declared. In the section allowing forty days for contestants' testimony in chief there is no such provision, and Sundays are therefore not excluded. It is true that the act of Congress is not binding upon this House, which under the Constitution is the sole and absolute judge of the qualifications of its own Members. Nevertheless it has frequently been held that the act of Congress upon this subject constitutes a wise and wholesome rule, which ought not to be departed from without good cause shown or the interest of justice requires. There has been no sufficient cause shown for delay in this case. Counsel in this case were also counsel in the Wagoner contest, which was running at the same time, and were doubtless engaged in taking testimony in that case most of the time. But we think there were other counsel in St. Louis of a sufficient capacity to take such testimony as was taken in this case. This leads to a consideration of the character of the testimony. It is not pretended that the testimony taken directly in this case would of itself establish the contestant's right to a seat. The contestant relies almost entirely upon the depositions of witnesses taken in the Wagoner case, in another contest, for a different Congress and from a different district. These witnesses were not examined in this case. The contestant merely called the notary public before the witnesses in the Wagoner case had testified and proved by him carbon copies of their testimony, which carbon copies he asks us to accept with like effect as if those witnesses had been called and testified in this case. We do not think that such testimony so taken, in the absence of evidence that the witnesses were dead or for any other reason were not compellable to attend and testify, would be accepted in a court of justice. But even if we were to consider all that testimony, we find it seriously defective. In the Wagoner case one great fraud found was that persons unregistered, and therefore unauthorized to vote, did vote, or at least that votes in their names were counted. In this case the contestant has failed to put in evidence the registration lists, and they have not been before your committee. We are therefore utterly unable to determine

what unregistered voters, if any, voted, and whether, if such persons voted, they voted for Reynolds or for Butler.

We find also that Mr. Butler was not given notice that the depositions of the witnesses in the Wagoner case were to be introduced here. In some instances there was not given him, as the statute requires, the names of the notaries public who were to be called as witnesses to testify to the taking of testimony in the Wagoner case. It was by means of these witnesses, whose names were not given to Butler in advance, as the statute requires, that carbon copies of the testimony in the Wagoner case was introduced.

It may be urged, therefore, that Mr. Butler has not had the opportunity which law and justice require to cross-examine the witnesses upon whose testimony the contestant relies in this case. To make my statement as brief as possible, I will, as the committee has done, summarize the whole matter briefly thus: No part of contestant's testimony was taken within the forty days allowed by statute for that purpose, and some of it was taken as late as the one hundred and tenth day after answer filed. No good and sufficient reason was shown for the delay.

The witnesses upon whose testimony contestant relies were not called and examined in this case, but he has introduced carbon copies of their depositions, taken by a different contestant in a former case, concerning a seat in a different Congress and from a different district. The present contestee was contestee also in the earlier case, but did not then have full power of cross-examination of said witnesses touching the present contest.

The contestee was not given the names of the witnesses in the former case whose depositions contestant proposed to introduce in this case, nor of his intention to introduce such testimony, and in some instances was not given in advance, as the statute requires, the names of the witnesses who were called in this case and by whom the depositions of the witnesses in the former case were proved or attempted to be proved.

There is no evidence that all or any of the witnesses carbon copies of whose depositions in the Wagoner case have been introduced in this case are dead or were for any other reason not compellable to attend and testify in this contest.

Neither the original nor any copies of the official registry lists having been furnished, it is impossible to determine what votes were illegal by reason of having been cast by unregistered persons as charged.

In short, Mr. Speaker, while those members of the committee who were Members of the last House feel more than ever convinced of the correctness of the judgment and action of the House in the Wagoner case and also in the Horton case, we do not feel that the fact that Mr. Butler was twice justly unseated in the Fifty-seventh Congress affords to this House a sufficient reason for unseating him in the Fifty-eighth Congress unless a case was made out against him.

When a certificate, regular upon its face, shows a man to have been elected, and he has been sworn in and occupies a seat here, it is incumbent upon the person claiming the seat against him to make out a case. That burden can not be shifted upon either the Elections Committee or the House.

Mr. CRUMPACKER. Will the gentleman permit me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. The customary form of resolution in contested-election cases is to declare that either the contestant or contestee is entitled to a seat. The resolution read by the Clerk in this case seems simply to discharge the committee from further consideration of it. Is the effect of that simply a dismissal of the committee for want of prosecution?

Mr. OLMSTED. The effect of it would be, of course, to simply dismiss the committee from further consideration of the case, and would practically be a dismissal of the contest.

Mr. CRUMPACKER. If there was no evidence in this case showing that the contestant was entitled to a seat, the presumption would be that the contestee's right to the seat was valid, and in view of that why did not the committee report a resolution declaring that the contestee and not the contestant is entitled to a seat?

Mr. OLMSTED. Mr. Speaker, the gentleman from Indiana will understand that we were not able, upon the record before us, to determine fully the merits of this case. We have had some past experience with occurrences in some parts of that election district, and could not close our eyes entirely to the practices which were shown in the Wagoner case to have obtained there. Upon the whole case the entire committee practically concluded that their duties were performed when they recommended a resolution in the form which has been read.



Mr. CRUMPACKER. The resolution means, then, that the committee did not go into the merits of the contest?

Mr. OLMSTED. That is substantially what it means. There was lacking the necessary data to enable us to do so—for instance, the official registry sheets.

Mr. BARTHOLDT. Mr. Speaker, I would like to ask the gentleman a question. Is the report of the committee unanimous in this case?

Mr. OLMSTED. The report, I think I may say, is practically unanimous. If I am not violating the secrets of the committee, I think I may say that there was not more than one voice the other way. Certainly no contrary report has been or will be filed. If there is no one desiring to be heard on the resolution, I ask for its adoption, first asking unanimous consent to insert the full report of the committee in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The memorial is as follows:

[House Report No. —, Fifty-eighth Congress, third session.]

GEORGE D. REYNOLDS v. JAMES J. BUTLER.

December —, 1904.—Mr. OLMSTED, from the Committee on Elections No. 2, submitted the following report, to accompany H. Res. —:

The Committee on Elections No. 2, to which was referred the contested-election case of George D. Reynolds v. James J. Butler, from the Twelfth Congressional district of Missouri, respectfully submits the following report:

A brief historical statement is essential to a proper understanding of this case. At the regular Congressional election in 1900, James J. Butler was returned as elected to a seat in the Fifty-seventh Congress. His election was contested by William M. Horton. The Committee on Elections No. 1, to which the contest was referred, reported that "fraud so permeated the conduct of the election in a large part of the district as to prevent a full, free, and fair expression of the public desire in respect to the election of a Representative in Congress," and the House, on the 28th of June, 1902, adopted a resolution declaring the seat vacant.

The governor of Missouri thereupon ordered a special election. Mr. Butler was again a candidate and returned as elected to fill the vacancy caused by his own unseating. His opponent in that election was Mr. George C. R. Wagoner, who contested his seat in the second session of the Fifty-seventh Congress, which assembled on the first Monday of December, 1902.

As the time fixed by statute for the taking of testimony would have carried the case beyond the expiration of the term for which Wagoner claimed to have been elected, he presented a memorial to the House, which, on the 11th day of December, 1902, adopted a resolution specifying a certain time within which the contestant might take testimony, a certain time for the contestee, and again a certain time for the contestant in rebuttal, and required the Committee on Elections No. 2 to consider and report upon the case so that it might be disposed of during the life of that Congress. That committee reported that by reason of gross frauds, clearly shown, making it impossible to ascertain the legal votes cast, the returns from certain precincts must, in accordance with the well-established precedent of the House and the rule laid down by courts and learned authors, be entirely rejected, and that Wagoner had been duly elected and was entitled to his seat. Resolutions to that effect were adopted by the House and Wagoner seated February 26, 1903.

November 4, 1902, the day fixed by the governor for holding the special election for filling the vacancy in the Fifty-seventh Congress, was also the day fixed by law for the general election, at which there was to be chosen a Representative in this the Fifty-eighth Congress. Mr. Butler was a candidate for that seat also, and was opposed by Mr. George D. Reynolds, the present contestant.

The Missouri legislature had by act of March 16, 1901, redistricted the State, so that the district in which Reynolds competed with Butler for a seat in the Fifty-eighth Congress was not identical with the district in which Wagoner, upon the same day, competed with Butler for a seat in the Fifty-seventh Congress. Although the district, which is within the city of St. Louis, is still known as the Twelfth, at least one-half of it, territorially speaking (and being the one-half in which Wagoner received his majority), had been cut off from the district, while some new territory had been added. To be explicit, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Twenty-fourth Ward; precincts 1 and 2 of the Twenty-eighth Ward; precinct 11 of the Twelfth Ward; precinct 12 of the Seventh Ward; precinct 1 of the Twentieth Ward; and precincts 1 and 2 of the Twenty-first Ward, which formed part of the district in which Wagoner ran against Butler for a seat in the Fifty-seventh Congress, were not in the district in which Reynolds ran against Butler for a seat in the Fifty-eighth Congress, while precincts 7, 8, 9, 10, 11, 12, and 13 of the Twenty-fifth Ward, and precincts 2, 3, and 4 of the Fifteenth Ward, which never had been in the district in which Wagoner ran against Butler, are in the district in which Reynolds ran against Butler. All of the Fourth, Fifth, Sixth, Thirteenth, Fourteenth, and Twenty-third wards and parts of the Fifteenth, Twenty-second, and Twenty-fifth wards were in both districts.

Differently stated, the old district in which Wagoner ran against Butler for the Fifty-seventh Congress contained twenty election precincts which are not in the present district in which Reynolds ran against Butler for a seat in the Fifty-eighth Congress, and ten precincts in the present district in which Reynolds ran were not in the district in which Wagoner ran.

The returns of the election for the Fifty-eighth Congress showed Butler to have received 15,316 votes and Reynolds 8,698, an apparent majority of 6,618 for Butler, who was sworn in at the beginning of the present Congress and now occupies the seat which Reynolds contests.

In his notice of contest, in more or less general terms, he charges frauds of various kinds, and in the ninth paragraph thereof specifically charges that in sundry precincts, therein set forth, there were frauds so gross and extensive that it was impossible to ascertain the actual and legal votes, and that the returns should therefore be rejected altogether.

The contestant was not diligent in prosecuting his contest. Provision for the taking of testimony in such cases is found in section 107, United States Revised Statutes, which reads thus:

"Time for taking testimony: In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testi-

mony during the first forty days, the returned Member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period."

The act of March 2, 1875, chapter 119, section 2, declares:

"That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned Member is served upon the contestant."

In this case the notice of contest was dated December 20, 1902. Mr. Butler's answer was served December 22, 1902. Contestant thereupon served an additional or supplemental notice of contest, to which the contestee made reply December 24. The statute makes no provision for the service of additional grounds of contest, and these amended specifications must be considered, if received at all, as served in the original notice of contest. (McDuffy v. Torpin, Stofer, 355; McCrary on Elections, 448.) Certainly after answer filed a supplemental notice of contest can not be held to extend the time for the taking of testimony. Contestee's answer having been served December 22, 1902, the forty calendar days expired with the 31st day of January, 1903. Within those forty days contestant called no witnesses and took no testimony whatever. On the forty-second day (February 2) contestant proposing to take testimony, and having himself been sworn, counsel for contestee objected to the taking of any testimony whatever, and in his statement of objections said, inter alia:

"George D. Reynolds has slept on his rights, and the forty days during which Congress says testimony for contestee shall be taken have expired without his having taken any testimony whatsoever, and George D. Reynolds has, to all intents and purposes, abandoned his contest, and can not now revive the same in the time allotted to contestee in which to take testimony had he obeyed the mandatory provision of the law."

This and other objections were spread at length upon the record. Contestant was then himself examined, but testified simply to the service of notice of contest and of the additional grounds of contest. Two other witnesses testified also as to the service of these papers, and the papers themselves were put in evidence as exhibits, whereupon the further taking of testimony was adjourned until February 3. This was the 41st calendar day after the service of the answer to the additional notice of contest and the 43d after the service of the answer to the original notice. One witness was examined and an adjournment had to February 4 (the 44th day). Two witnesses were then examined and an adjournment had to February 5 (the 45th day). Depositions were also taken on the 6th, 7th, 9th, 10th, and 11th of February (the 46th, 47th, 49th, 50th, and 51st days). No testimony was at any time taken by contestee and none by contestant between February 11 and March 31. Upon the latter date (the 100th day) certain testimony was taken by contestant. Also upon the 1st, 2d, 3d, 6th, 7th, and 10th of April (the 101st, 102d, 103d, 106th, 107th, and 110th days).

Contestant insists that in computing the time under the statute Sundays and legal holidays must be excluded so as to leave 40 working days. It has never been so considered and we can not take that view. Section 108 of the Revised Statutes, being part of the same act, referring to notice of intention to take depositions, requires that it "shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend and one day for preparation, exclusive of Sundays and the day of service." The exclusion of Sundays in one section and not in the other is very significant. In section 1007 it is provided that in order to make a writ of error a supercedas it must be served upon the adverse party "within sixty days, Sundays exclusive," and generally where Congress has intended to exclude Sundays it has so stated.

"Sundays are included in computations of time, except when the time is limited to twenty-four hours, in which case the following day is allowed." (Endlich on Statutes, sec. 393.)

"In the computation of statute time an intervening Sunday is to be counted, unless expressly excluded by the statute. (King v. Dowdall, 2 Sand., 131, N. Y.)"

Mr. Justice Brown, in *Monroe Cattle Co. v. Becker* (147 U. S., 55), states the general rule to be "that when an act is to be performed within a certain number of days and the last day falls on Sunday the person charged with the performance of the act has the following day to comply with his obligation."

Subject to that rule we hold that the statute means calendar days. The contestant took no testimony whatever within the time prescribed by the statute, and some upon which he relies was taken many days after the statutory period, even if construed as he desires.

It is quite true that the statute providing and limiting the time for the taking of testimony is not binding upon this House, which under the Constitution is the only and absolute judge of the qualifications and elections of its Members. But, as has frequently been held, it furnishes a wise and wholesome rule of action and ought not to be departed from except for sufficient cause shown, or where the interests of justice clearly require. It would seem that contestant might have commenced and concluded his testimony in this case within forty days. Certainly he might have commenced. No reason whatever appears upon the record why he could not, or did not, but upon the argument before your committee it was stated that counsel for the present contestant were also counsel for Wagoner in his contest, and that some or all of them were engaged upon that case most of the time. There must, however, have been other counsel in St. Louis quite capable of taking such testimony as was taken in this case.

#### THE CHARACTER OF THE TESTIMONY.

The first witness called who testified to anything more than the service of papers was William D. Moore, called February 3, 1903 (the forty-third calendar day after filing of answer). We quote from his testimony as follows:

"Q. What is your name?—A. William D. Moore.

"Q. You are a notary public, Mr. Moore?—A. Yes, sir.

"Did you, as notary public, take any testimony in the contested election case of George C. R. Wagoner against James J. Butler for the office of Representative in Congress for the short term of the Twelfth Congressional district of Missouri?—A. Yes, sir.

"Q. Where was that testimony taken?—A. At the city hall in the city of St. Louis, Mo.

"Q. And in what office?—A. Office of the election commissioners.

"Q. Between about what dates did you take this testimony, Mr. Moore?—A. Between December 29, 1902, and January 3, 1903.

"Q. Have you now in your possession the original deposition taken at the time referred to and which you intend to certify to the Clerk of the House of Representatives?—A. Yes, sir.

"Q. Have you also in your possession a carbon copy of all the depo-



sitions which you took at the time and place referred to?—A. Yes, sir.  
 "Q. I will ask you if you have examined this carbon copy to-day?—A. Yes, sir.

"Q. Are the pages of the carbon copy, which you say you have examined, in the same order in which the pages of the deposition are arranged?—A. The pages are just the same. All the first pages of each precinct are arranged in the same order as the original and numbered the same.

"Q. You have spoken of having made a comparison of the carbon copy of the depositions with the original. I will ask you when you did that?—A. It has been done to-day; this afternoon.

"Q. Will you produce the carbon copy to which you have referred, Mr. Moore?—A. Yes, sir; I have it here.

"(Counsel for contestant now offers in this case the carbon copy of the deposition taken by the witness and identified and examined by him and asks the notary to mark the same 'Contestant's Exhibit No. 6.')

"No cross-examination."

Mr. Moore was not asked, and did not state, the names of the witnesses whose depositions he took in the Wagoner case, but reference to "Contestant's Exhibit No. 6" shows, as nearly as we can make out, that such witnesses were John A. Sloan, Robert A. Jordan, George W. Rinkle, Louis P. Masterson, Michael Callahan, and John A. Piper.

Mr. Moore was the only witness called that day. February 4, 1903 (the forty-fourth day), James D. Halter was called. He testified that he was a notary public and had taken testimony "in the contested election case of George C. R. Wagoner against James J. Butler for the short term from the Twelfth Congressional district of Missouri" at 417 Pine street. His testimony concludes as follows:

"Q. Can you state the names of the witnesses whose depositions you took at 417 Pine street?—A. Yes; these are the witnesses: Martin Delaney, 3009 Pine street; George P. Kolb, 317 South Twenty-third street; Joseph L. Shuler, 1030 Clark avenue; George Dabney, 1337 Gay street; C. E. Udell, 4009 Westminster place; Peter Repscher, 2147 Adams street; John Stack, 2110 Adams street; I. H. Bradbury, 2124 Adams street; George Yeager, 2751 Manchester avenue; William Taylor, 2911 Lawton avenue; Walter W. Trice, 622 North Beaumont street; Robert Walker, Hotel Barnum; George Popp, 110 Spruce street; Joe Eismenger, 214 Valentine street; Herman Knecht, 318 South Fourth street; Adolph F. Cougot, 2093 South Seventh street; John F. Koshowsky, 704 Market street; Pat Eerner, 638 South Seventh street; Henry Horchler, 1326 Clark avenue; Henry Green, 1319 Linden street; Oscar Herzog, 1400 Morgan street; Green Moore, 1521 Lucas (rear); William Carson, 1310 Gay street; Louis Alewell, 2002 Washington street; John B. Owen, 1206 Morrison avenue; Lee H. Vollnecke, 2653 Olive street; Sigmund L. Kramer, 1618 Market street; Mrs. Margaret Campbell, 2644 Olive street; William Hahn, jr., 114 South Third street; M. L. Turner, 2806 Locust street; Guy W. Williams, 2140 Eugenia street; John Gentner, 2138 Eugenia street; Daniel D. Carroll, 1326 Morgan street; E. S. Everson, 2846 Lawton avenue; Herman Demuth, 202 South Second street; P. M. Cunningham, Tenth and Locust streets; Arthur Kiburz, 611 South Second street; Fritz Schreier, 509 South Second street; Alex. Wells, 309 Spruce street; Santo Dani, 320 Walnut street; Otto Weiss, 824 Walnut street; Moses Sargent, 706 North Fourteenth street; E. Heyd, 411 North Fourteenth street; Henry Thomas, 1317 Morgan street; Tony Barnes, 1324 Gay street; Joseph Farrel, 1521 Lucas (rear); Ben McMillan, 721 North Fourteenth street; John H. Bell, 1520 Morgan street; Louis J. Bischoff, 1320 Spruce street; William Heitman, 110 Spruce street; William R. Faulkner, mounted police station.

"Q. Did you have a carbon copy of all the testimony of all of these witnesses whose names and addresses you have given us made?—A. Yes.

"Q. Have you that carbon copy here present?—A. Yes, sir.

"Q. Have you carefully compared the carbon copy of the testimony of these witnesses with the original?—A. Yes, sir.

"Q. Did you find on your examination that the carbon copies were true copies of the original in every particular?—A. Yes, sir.

"Q. Have you the carbon copy about which you have just testified in your possession?—A. Yes, sir; here it is.

"(Here witness produces a copy of the testimony of the witnesses who testified before him in the case of George C. R. Wagoner against James J. Butler, pending before the Fifty-seventh Congress, and whose names and addresses are heretofore set out in this deposition.)

"Mr. RICHY. On behalf of the contestant I now offer this true copy, as produced by this witness on behalf of Mr. George D. Reynolds, the contestant, and ask that the same be marked 'Contestant's Exhibit No. 8, of February 4, 1903.'

"No cross-examination."

Mr. Butler was not present, either in person or by counsel, at this hearing, having previously given notice that he would not attend any hearing, as he protested against the right of contestant to take any testimony at all after the expiration of forty calendar days. Neither of the witnesses Moore and Halter were examined at all touching the case of Reynolds against Butler. They were called for the single purpose of introducing, in that way, the testimony of witnesses examined before them, as notaries public, in the Wagoner case. No notice was given Butler that the testimony of the witnesses in the Wagoner case was thus to be introduced, and the notice served upon him of contestant's intention to take testimony did not include even the names of Moore and Halter. Several other notaries before whom depositions were taken in the Wagoner case were also called, and in like manner there were introduced carbon copies of the depositions taken before them in the Wagoner case. The testimony of twenty-one witnesses in the Wagoner case was thus introduced April 10, 1903 (the one hundred and tenth day). These witnesses were examined in the Wagoner case between December 19 and December 27, 1902, and the only reason given for delay in introducing copies of their depositions in the Reynolds case was that the notary would not surrender carbon copies until his fees were paid.

It is not pretended that the testimony taken directly in this contest makes out a case against the sitting Member, but contestant relies upon the testimony taken in the Wagoner case, and proved or attempted to be proved, by the notaries public in the manner above indicated. For the competency of this evidence his counsel rely upon Greenleaf on Evidence, section 553, which they cite in their brief as follows:

"In regard to the admissibility of a former judgment in evidence, it is generally necessary that there be a perfect mutuality between the parties, neither being concluded unless both are alike bound. But with respect to depositions, though this rule is admitted in its general principle, yet it is applied with more latitude of discretion; and complete mutuality is not required. It is generally deemed sufficient, if the matters in issue were the same in both cases, and the party against whom the deposition is offered had full power to cross-examine the witness."

That is not a fair citation, as it omits more than half of the section, particularly the following:

"If the power of cross-examination was more limited in the former suit in regard to the matters in controversy in the latter, it would seem that the testimony ought to be excluded."

Furthermore, it omits the fact, manifest from a reading of the entire section, and particularly in connection with section 163, that the learned author referred, in any event, only to cases in which the witnesses were dead or for some other reason not compellable to testify in person.

The matter in issue in the Wagoner case was the right to a seat in the Fifty-seventh Congress from the old district. The matter in issue in this controversy is the right to a seat in the Fifty-eighth Congress from the new district. The matters in issue are therefore not identical. The parties are not the same, except that Mr. Butler, the contestee here, was also the contestee in the Wagoner case. He certainly did not, in the Wagoner case, have "full power to cross-examine" the witnesses touching the Reynolds case. His "power of cross-examination" was more limited in the former suit, in regard to the matters in controversy in the latter. Indeed, in the Wagoner case, which related solely to a seat in the Fifty-seventh Congress, he had no opportunity to cross-examine witnesses at all concerning his controversy with Reynolds for a seat in the Fifty-eighth. No questions concerning the Reynolds contest were asked in direct examination of the witnesses, and cross-examination concerning it would not have been in order. As a matter of fact, he did not cross-examine them at all in the Wagoner case. Doubtless he had his own reasons for not doing so. He may have thought it useless to make much of a fight in that district, and yet he might have been very anxious to cross-examine them touching the present contest, involving an election from a changed district more favorable to his party because of the elimination of sundry Republican precincts which had been in the old district. He was certainly under no obligation to cross-examine them in the Wagoner case, and the fact that he did not is no bar to his right to cross-examine them in this entirely different controversy.

It is asserted in contestant's brief that the elections were held by the same officers and by the use of the same official ballots, but he has failed to show even that fact by any evidence offered in the case. It is not claimed that the witnesses whose testimony in the Wagoner case contestant seeks to introduce are dead or were for any other reason beyond the reach of service of subpoena. So far as we are advised their presence could readily have been secured, and failure to call them was based purely on reasons of convenience and expense. Under such circumstances, copies of their depositions would not be admissible in a court of justice.

But there is a further objection. Section 108 of the Revised Statutes requires that the party desiring to take depositions in a contested election case "shall give the opposite party notice, in writing, of the time and place when and where the same will be taken, of the names of the witnesses to be examined and their places of residence." Mr. Butler was not given the names of the witnesses whose testimony in the Wagoner case it was proposed to introduce in this contest, and in at least one important instance the notice to him did not even give the names of the notaries public who were called as witnesses in this contest for the purpose of proving the depositions of numerous witnesses in the Wagoner case.

But even if all the testimony offered by contestant were to be received and given its full effect it is deficient in at least one very important particular. In the notice of contest it is alleged that over 10,000 illegal ballots were received and counted by the judges of election, and that "the parties so voting were not legally registered voters and were not entitled to vote at said election." We find upon examination of the published report of the committee which passed upon the Wagoner case in the Fifty-seventh Congress that the result in that case was largely based upon the reception of illegal ballots from persons whose names did not appear upon the official printed registry sheets. We find in the record in this pending controversy, commencing at page 666, a paper entitled "Contestant's Exhibit No. 14 of February 4, 1903—James D. Halter, notary public, city of St. Louis, Mo." This exhibit purports to contain the depositions of ninety witnesses examined before J. T. Sanders, notary public, in the Wagoner case between December 13, 1902, and January 3, 1903.

It does not appear from the record that Sanders, before whom the depositions were taken, was called as a witness, or that Halter, as notary public, took any depositions at all in this, the Reynolds case. We are therefore at a loss to account for the appearance in this record of these ninety depositions. We were inclined to think that Sanders, the notary public before whom depositions were taken in the Wagoner case, was called as a witness in this case before Halter, acting as notary public, and handed in carbon copies of the depositions of these witnesses, and that the contestant, while sending Exhibit No. 14, failed to return the deposition of Sanders showing the offering of the exhibit. A letter from contestant's counsel shows this to have been the case.

However that may be, we find among these ninety depositions, constituting the so-called Exhibit No. 14, that of Louis P. Aloe, who, in the Wagoner case, produced a book, concerning which he said:

"This is the complete printed register of the qualified voters of the Twelfth Congressional district for the election of November 4 and thereafter, 1902—that is, the official list."

It appears from the testimony that that book was marked "Exhibit C" in the Wagoner case. It was not printed with the testimony in that case. But it was undoubtedly submitted to and used by the committee in preparing its report. It was not, however, sent by contestant Reynolds to the Clerk of the House with the testimony in this case, nor produced before your committee, and therefore, although we find in the testimony what purport to be lists of the names of the persons who voted, showing also whether they voted for Butler or for Reynolds, we are utterly unable to tell who of said voters were registered and who were not, or to what extent such persons as were unregistered voted, either for Butler or for Reynolds.

Our conclusions are more succinctly stated in the following:

#### SUMMARY.

1. No part of contestant's testimony as taken within the forty days allowed by statute for that purpose, and some of it was taken as late as the 110th day after answer filed. No good and sufficient reason has been shown for the delay.

2. The witnesses upon whose testimony contestant relies were not called and examined in this case, but he has introduced carbon copies of their depositions, taken by a different contestant in a former case, concerning a seat in a different Congress, and from a different district. The present contestee was contestee also in the earlier case, but did not then have full power of cross-examination of said witnesses touching the present contest.

3. The contestee was not given the names of the witnesses in the



former case whose depositions contestant proposed to introduce in this case, nor of his intention to introduce such testimony, and in some instances was not given in advance, as the statute requires, the names of the witnesses who were called in this case and by whom the depositions of the witnesses in the former case were proved or attempted to be proved.

4. There is no evidence that all or any of the witnesses, carbon copies of whose depositions in the Wagoner case have been introduced in this case, are dead or were for any other reason not compellable to attend and testify in this contest.

5. Neither the original, nor any copies of the official registry lists having been furnished, it is impossible to determine what votes were illegal by reason of having been cast by unregistered persons as charged.

Upon the whole case your committee recommends the adoption of the following resolution, viz:

"Resolved, That Committee on Elections No. 2 shall be, and is hereby, discharged from further consideration of the contested-election case of George D. Reynolds v. James J. Butler, from the Twelfth Congressional district of Missouri."

Mr. ROBINSON of Indiana. Will the gentleman from Pennsylvania [Mr. OLMSTED] yield me two or three minutes of time?

Mr. OLMSTED. I yield to the gentleman from Indiana [Mr. ROBINSON] for five minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, my service of six years till this Congress on Elections Committee No. 2, in charge of these cases against James J. Butler, of the Twelfth district of Missouri, gave me an intimate knowledge of the former cases and considerable knowledge of the one now reported to the House.

I take pleasure in congratulating that committee, acting under its able chairman, in the unanimity in this decision and in its former record of judicial and unanimous judgment that characterized its action during my term of membership thereon.

With the possible exception of one decision against this contestee in the former Congress, its action has met the unanimous indorsement of this House. A record of years of fairness and impartiality such as this should no be passed over at this time without a deserved compliment.

Mr. Butler, it so happens, was three times elected within two years, and by a new apportionment in two different districts. He was twice unseated, the last time in the Fifty-seventh Congress in the most bitter contest on the floor of the House for weeks, and until this action by the committee has had a third contest pending. These circumstances justly entitle these proceedings to be among the causes célèbres, no more by reason of the troubles and annoyances that the Representative of the Twelfth Congressional district of Missouri has incurred, but as the only case in eight years of active work that Election Committee No 2 has divided in opinion.

I congratulate the chairman, Mr. OLMSTED of Pennsylvania, and the membership of that committee on these many years of good work.

Mr. OLMSTED. While the committee is willing to accept congratulations as far as they are entitled to the same, particularly when coming from one, himself so fair as, during six years of service, the gentleman from Indiana [Mr. ROBINSON] proved himself, we by no means concede the correctness of the statement of the gentleman that Mr. Butler was three times elected. It is true that he has been three times returned as elected, but we are well satisfied that he was not elected to the Fifty-seventh Congress at all, and there may be some reasonable doubt as to his having been elected to this Congress. But the contrary has not been proved. He holds the certificate, and the case against him has not been clearly proved. Therefore he will retain his seat if this resolution is adopted.

I believe the contestant, Mr. Reynolds, to be a very estimable gentleman. He formerly resided in Pennsylvania, where he still has many friends who are also friends of mine. He has important friends in many parts of the country, as well as in St. Louis, who will regret that he is not to be seated. Personally, I should like him for a colleague and should be glad to vote to that end could I conscientiously say that his right to the seat has been established—

Mr. THAYER. I would like to ask what may be considered an informal question of the gentleman from Pennsylvania. I have sat here, Mr. Speaker, for several sessions and have seen many parties contesting the seats of those who were returned as Members of this House; and I have noticed, or have believed at least, that in many instances those contests were made chiefly for the purpose of annoying those who were returned as Members, and for the money that the contestant got out of the Treasury to support his contention. I believe that it would be well if we should make a rule here and now that no man who contests the election of a man who is properly and legally returned as a Member of this House, and who is unable to substantiate his contest, should be paid his or any part of his expenses. It seems to me, Mr. Speaker, that this matter of contesting a Member's seat is very like a contest in court. If a plaintiff there thinks

he has an action against a defendant, he brings a suit, summons his witnesses, employs his attorney, incurs his expenses, and if he is not successful he must defray those expenses. If he is successful the defendant defrays them in part. I see no reason why we here should favor and give encouragement to people who were not returned by the proper officers as Members of this House, to contest seats of those who are returned as Members on the ground that we will defray the expenses of the contest. These tables will turn sooner or later. It looks now as though it would be somewhat later. [Laughter.] But the tide will turn, and then the shoe will be on the other foot. I do not believe in encouraging any man to come here and contest the seat of a man who is lawfully and properly returned by the people and the officers who have that matter in charge. As I say, I believe it is done in many instances chiefly for the money that they can get out of it and the little notoriety that attaches. And while I do not know that this is the proper time or occasion to bring up this matter, if it can be brought up I want to record my vote as against allowing any contestant one cent for any contest of the seat of a Member who is properly returned if the contestant fails in his contest.

Mr. CLAYTON. Unless he makes his contest good.

Mr. OLMSTED. Mr. Speaker, this is a matter which does not arise here. It may be considered by the House at the proper time, but it is not within the jurisdiction of the committee which made this report. I will state, however, that there is no law nor practice now of allowing all expenses. Neither party can, under existing law, receive more than \$2,000, and there is hardly an important contested-election case in which a large amount of testimony is taken in which the expenses of the parties do not largely exceed that sum.

Mr. THAYER. I should like to ask the gentleman what reason or sense is there in allowing a man who comes here with no case to get even the \$2,000?

Mr. OLMSTED. I will say to the gentleman from Massachusetts that there was in this case a prima facie ground of contest. It is within the power of the House, and perhaps of the Committee on Appropriations or the Elections Committee, in any case where a contest is clearly a wanton and frivolous one, to deny all expenses whatever. The gentleman from Mississippi [Mr. WILLIAMS] suggests that, and he is entirely correct. There have been cases in which nothing whatever has been allowed for expenses. I do not, however, desire to be understood as suggesting that this is that kind of a case.

Mr. THAYER. How can you get at the matter, I should like to know?

Mr. OLMSTED. Whenever an appropriation bill comes up carrying an item of this character it is quite within the power of the gentleman from Massachusetts, or any other Member, to fully question the Appropriations Committee or the Elections Committee before which the case was heard as to the character of the contest, and to determine whether or not in that particular case any expenses at all should be allowed, or if any, then what amount.

Mr. BOWIE. I want to state, for the benefit of the gentleman from Massachusetts, that Elections Committee No. 1 has in at least one case within my knowledge held that a contest was simulated, and therefore refused to recommend the allowance of expenses to the contestant, and they were not allowed; and I think that any elections committee would refuse to recommend the allowance of expenses where the contest was clearly simulated or fraudulent. It is within the power of the Elections Committee to recommend to the Appropriations Committee the allowance of these fees up to \$2,000, or to recommend their disallowance. That is all I wanted to say.

Mr. OLMSTED. I think that is the fact. The gentleman is entirely correct.

Mr. BOWIE. I know it has been done in one case.

Mr. OLMSTED. I so understand it. I will call for a vote, Mr. Speaker, if there are no further remarks.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

#### BRIDGE ACROSS THE OUACHITA RIVER, ARKANSAS.

Mr. WALLACE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is upon the House Calendar. The

gentleman from Arkansas asks unanimous consent for its present consideration. Is there objection?

There was no objection.

The SPEAKER. The bill is amended by substitute. If there be no objection, the Clerk will report the substitute.

The Clerk reported the substitute. It proposes that the Interurban Transit Company, a corporation organized and existing under and by virtue of the laws of the State of Arkansas, be, and it is hereby, authorized to construct and maintain a drawbridge across the Ouachita River, in the State of Arkansas, at or near Camden, Ark., at a point which may hereafter be selected by said Interurban Transit Company for crossing said river with its line of railway and agreed upon by the Secretary of War. Said bridge shall be constructed to provide for the passage of electric railway cars; and all street railroad companies desiring the use of the bridge shall have equal privileges in the passage of trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of disagreement in regard to the terms of such use, or the rates to be paid, the matter at issue shall be decided by the Secretary of War.

The SPEAKER. The Chair calls the attention of the gentleman from Arkansas to the fact that in line 17, page 5, there seems to be a misprint. The word "constructed" should be stricken out and the word "construed" inserted.

Mr. WALLACE. I move, Mr. Speaker, that the bill be amended in that respect.

The SPEAKER. If there is no objection, the bill will be so amended. [After a pause.] The Chair hears none. The question now is on agreeing to the substitute as amended.

The question was taken; and the substitute was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WALLACE, a motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4831) to improve currency conditions.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to be recognized a moment in order to make a statement to the House. The gentleman from Georgia [Mr. BARTLETT], who is the author of the minority bill in this case, and who has charge of the time in opposition to the bill, is, as I am informed, sick and almost unable to attend. He might be forced to attend by the debate, but the debate went over yesterday, as I am informed, at the request of the gentleman from Connecticut [Mr. HILL], who had a business engagement. I think that the debate ought to go over to-day because of the gentleman from Georgia's illness and indisposition.

We have telephoned to him that it looked as if the debate would not go over and that he must come up if he can. The gentleman from Georgia [Mr. HARDWICK] just now informs me that he has received a reply to the message and that the gentleman from Georgia [Mr. BARTLETT] says that he is too sick to come up under any circumstances. I do not know who wants to talk on the bill one way or the other. I can not take his place, and besides, if I could, it is as much a part of a man's duty in control of one side or the other of a debate on a bill to hear what takes place on the other side, to listen to the arguments, in order that he may reply to them, as it is to make his own argument.

I ask unanimous consent that the question may go over. Now, Mr. Speaker, one more word. It will involve no peculiar difficulty, because the order of the House is already such that the measure is tailed onto the regular and privileged business of the House. I ask unanimous consent that the matter may go over until the gentleman from Georgia can be in the House.

The SPEAKER. Pending the motion that the House go into Committee of the Whole House on the state of the Union, the gentleman from Mississippi asks unanimous consent that the consideration of this bill may go over until another day.

Mr. HILL of Connecticut. Mr. Speaker, I regret exceedingly that I shall have to object to unanimous consent. I do not think there is any trouble about making the arrangement satisfactory to both sides. The appropriation bills are likely to come on pretty rapidly after this week. This matter ought to be disposed of, and general debate will take no more time to-day than it will to-morrow. I understand that the gentleman from Georgia [Mr. BARTLETT] is now on his way here.

Mr. WILLIAMS of Mississippi. No; the gentleman from Georgia is not on his way here. We have just received a message that he is too ill to come to the House.

Mr. HILL of Connecticut. I had a full and complete under-

standing with the gentleman from Georgia that the bill should come up to-day, and I traveled all last night myself in order to be here. Now, the suggestion I have to offer to the gentleman is that we go on with the general debate to-day. Tomorrow is claims day, and if it goes over to-day, it will go over to-morrow, and kind Providence only knows what will come up next Monday. This bill may lose its absolute right of way by being prevented from consideration by appropriation bills and numerous other questions of a privileged character.

It seems to me, Mr. Speaker, the wisest thing to do is to go on with the general debate now, with the understanding that if the time is not fully occupied the rest of the afternoon in general debate we will then adjourn and let the general debate go over until to-morrow, so that the gentleman from Georgia [Mr. BARTLETT] will not have his time taken away from him at all.

Mr. WILLIAMS of Mississippi. It is true there was an understanding between the gentleman from Georgia and the gentleman from Connecticut. It is also true, as I understand, that there was an understanding prior to that that the matter should come up yesterday.

Mr. HILL of Connecticut. Oh, no; not at all.

Mr. WILLIAMS of Mississippi. That was my understanding, in order to convenience the gentleman from Connecticut.

Mr. HILL of Connecticut. Nothing of the kind, Mr. Speaker.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman will remember that it went over and was subject to come up yesterday. That is what I mean. Subsequently there was not an agreement between the gentleman from Connecticut [Mr. HILL] and the gentleman from Georgia [Mr. BARTLETT] that it should not come up yesterday, because the gentleman from Connecticut had a business trip that he wished to make?

Mr. HILL of Connecticut. Oh, not at all.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I want to add this remark only, that it is just as important for the man in charge of the opposition of a bill or in charge of the bill itself to be able to hear, in order to reply to what is said upon the other side, as it is to be able to be present.

Mr. PAYNE. Mr. Speaker, I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Connecticut—

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to move a substitute.

The SPEAKER. The Chair will say to the gentleman from Mississippi, as the Chair understands it, the practice is, under the rules, if the gentleman desires to raise the question of consideration, or its equivalent, to antagonize the motion that the House do resolve itself into Committee of the Whole.

Mr. WILLIAMS of Mississippi. I understand that, Mr. Speaker.

The SPEAKER. And if the House refuse to so do, then the gentleman gains his point.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Unless I am forced to do so I do not desire to be put in that attitude. Would it be in order to make a motion, as a substitute for the motion of the gentleman from Connecticut, that the bill do go over? And if so, I would rather make that than to raise the question of consideration. I have no objection to its consideration except to-day.

The SPEAKER. The Chair desires to state to the gentleman that in the opinion of the Chair the gentleman's motion would not be in order, because it can not be debated until it is before the House and until consideration of the bill begins.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, at this point I shall raise the question of consideration.

The SPEAKER. The gentleman raises that question by antagonizing the motion.

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PADGETT. Mr. Speaker, I desire, as a member of the committee, to join in the request of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. PAYNE. Mr. Speaker, I think we better have the regular order.

The SPEAKER. The regular order has been demanded, objection being made to further debate while the gentleman from Mississippi had the floor. The question is on the motion of the gentleman from Connecticut that the House do resolve itself into the Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 111, noes 115.

Mr. HILL of Connecticut. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.



The question was taken; and there were—yeas 132, nays 131, answered "present" 8, not voting 115, as follows:

## YEAS—132.

|              |                |                   |                  |
|--------------|----------------|-------------------|------------------|
| Acheson      | Davis, Minn.   | Kinkaid           | Payne            |
| Adams, Pa.   | Douglas        | Knapp             | Perkins          |
| Adams, Wis.  | Dovener        | Knopf             | Porter           |
| Allen        | Dresser        | Knowland          | Prince           |
| Bartholdt    | Driscoll       | Kyle              | Reeder           |
| Bates        | Dunwell        | Lacey             | Roberts          |
| Bede         | Dwight         | Lafean            | Scott            |
| Beldler      | Esch           | Landis, Frederick | Smith, Ill.      |
| Bingham      | Foss           | Lawrence          | Smith, Iowa      |
| Bishop       | Foster, Vt.    | Lilley            | Smith, Pa.       |
| Boutell      | Fuller         | Littauer          | Smith, Samuel W. |
| Bowersock    | Gaines, W. Va. | Littlefield       | Smith, Wm. Alden |
| Bradley      | Gardner, Mich. | Longworth         | Southard         |
| Brick        | Gardner, N. J. | Loud              | Southwick        |
| Brown, Pa.   | Gillet, N. Y.  | Loudenslager      | Spalding         |
| Brown, Wis.  | Gillet, Cal.   | Lovering          | Sperry           |
| Brownlow     | Gillet, Mass.  | McCall            | Stafford         |
| Burke        | Graft          | McCleary, Minn.   | Steenerson       |
| Burkett      | Greene         | McCreary, Pa.     | Sterling         |
| Butler, Pa.  | Hamilton       | McLachlan         | Stevens, Minn.   |
| Campbell     | Hedge          | Mahon             | Sulloway         |
| Capron       | Henry, Conn.   | Marshall          | Tawney           |
| Conner       | Hermann        | Miller            | Thomas, Ohio     |
| Cooper, Pa.  | Hildebrandt    | Minor             | Tirrell          |
| Cooper, Wis. | Hill, Conn.    | Mondell           | Townsend         |
| Cousins      | Hinshaw        | Moon, Pa.         | Volstead         |
| Crumpacker   | Holliday       | Morrell           | Vreeland         |
| Currier      | Howell, N. J.  | Murdock           | Wanger           |
| Curtis       | Hunter         | Needham           | Wiley, N. J.     |
| Cushman      | Jackson, Md.   | Olmsted           | Wilson, Ill.     |
| Dalzell      | Jones, Wash.   | Otjen             | Woodyard         |
| Daniels      | Kennedy        | Overstreet        | Wright           |
| Darragh      | Ketcham        | Palmer            | The Speaker      |

## NAYS—131.

|             |                  |                  |                 |
|-------------|------------------|------------------|-----------------|
| Adamson     | Gillespie        | Lever            | Russell         |
| Baker       | Glass            | Lewis            | Ryan            |
| Bankhead    | Goebel           | Lind             | Scarborough     |
| Bassett     | Gooch            | Lindsay          | Shackleford     |
| Beall, Tex. | Goulden          | Little           | Sheppard        |
| Beil, Cal.  | Gregg            | Livingston       | Sherley         |
| Benton      | Griggs           | Lloyd            | Shober          |
| Bonyuge     | Gudger           | Lucking          | Sims            |
| Bowers      | Hamlin           | McDermott        | Slayden         |
| Bowie       | Hardwick         | McLain           | Smith, Ky.      |
| Breazeale   | Harrison         | Macon            | Smith, Tex.     |
| Brundidge   | Hay              | Maddox           | Snapp           |
| Burgess     | Heffin           | Mann             | Snook           |
| Burleson    | Hepburn          | Maynard          | Sparkman        |
| Burnett     | Hitchcock        | Miers, Ind.      | Splight         |
| Byrd        | Hogg             | Moon, Tenn.      | Stephens, Tex.  |
| Caldwell    | Hopkins          | Norris           | Sullivan, Mass. |
| Candler     | Houston          | Padgett          | Talbott         |
| Cassingham  | Hughes, N. J.    | Page             | Thomas, Iowa    |
| Clayton     | Humphreys, Miss. | Patterson, N. C. | Thomas, N. C.   |
| Cowherd     | Hunt             | Pierce           | Trimble         |
| Croft       | James            | Pinckney         | Underwood       |
| Davey, La.  | Johnson          | Pou              | Van Duzer       |
| Denny       | Jones, Va.       | Pujo             | Wade            |
| Dinsmore    | Kehoe            | Rainey           | Wallace         |
| Dougherty   | Kelber           | Randell, Tex.    | Webb            |
| Field       | Kitchin, Claude  | Ransdell, La.    | Webber          |
| Finley      | Kitchin, Wm. W.  | Rhea             | Weisse          |
| Fitzgerald  | Kline            | Richardson, Ala. | Williams, Ill.  |
| Fitzpatrick | Lamar, Fla.      | Rixey            | Williams, Miss. |
| French      | Lamb             | Robb             | Wynn            |
| Garber      | Legare           | Robinson, Ark.   | Zenor           |
| Garner      | Lester           | Robinson, Ind.   |                 |

## ANSWERED "PRESENT"—8.

|                |        |            |                |
|----------------|--------|------------|----------------|
| Clark          | Cromer | Goldfogle  | Patterson, Pa. |
| Cockran, N. Y. | Deemer | Meyer, La. | Sherman        |

## NOT VOTING—115.

|              |                 |                   |                 |
|--------------|-----------------|-------------------|-----------------|
| Alken        | Draper          | Jenkins           | Scudder         |
| Alexander    | Emerich         | Kluttz            | Shiras          |
| Ames         | Evans           | Lamar, Mo.        | Shull           |
| Babcock      | Flack           | Landis, Chas. B.  | Sibley          |
| Badger       | Flood           | Livernash         | Slomp           |
| Bartlett     | Fordney         | Lorimer           | Small           |
| Benny        | Foster, Ill.    | McAndrews         | Smith, N. Y.    |
| Birdsall     | Fowler          | McCarthy          | Southall        |
| Brandeggee   | Gaines, Tenn.   | McMorran          | Stanley         |
| Brantley     | Gardner, Mass.  | McNary            | Sullivan, N. Y. |
| Brooks       | Gibson          | Mahoney           | Sulzer          |
| Broussard    | Gilbert         | Marsh             | Swanson         |
| Buckman      | Granger         | Martin            | Tate            |
| Burleigh     | Griffith        | Morgan            | Taylor          |
| Burton       | Grosvenor       | Mudd              | Thayer          |
| Butler, Mo.  | Haskins         | Nevin             | Vandiver        |
| Calderhead   | Haugen          | Otis              | Van Voorhis     |
| Cassel       | Hearst          | Parker            | Wachter         |
| Castor       | Hemenway        | Patterson, Tenn.  | Wadsworth       |
| Cochran, Mo. | Henry, Tex.     | Pearre            | Warner          |
| Connell      | Hill, Miss.     | Powers, Me.       | Warnock         |
| Cooper, Tex. | Hitt            | Powers, Mass.     | Watson          |
| Crowley      | Howard          | Reid              | Weems           |
| Davidson     | Howell, Utah    | Richardson, Tenn. | Wiley, Ala.     |
| Davis, Fla.  | Huff            | Rider             | Williamson      |
| Dayton       | Hughes, W. Va.  | Robertson, La.    | Wilson, N. Y.   |
| De Armond    | Hull            | Rodenberg         | Wood            |
| Dickerman    | Humphrey, Wash. | Rucker            | Young           |
| Dixon        | Jackson, Ohio   | Ruppert           |                 |

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. HUFF with Mr. HENRY of Texas.  
Mr. NEVIN with Mr. AIKEN.  
Mr. MCCARTHY with Mr. LIVERNASH.  
Mr. MCMORRAN with Mr. MCNARY.  
Mr. MUDD with Mr. GOLDFOGLE.  
Mr. RODENBERG with Mr. BROUSSARD.  
Mr. WARNOCK with Mr. THAYER.

For the day:

Mr. BURTON with Mr. TAYLOR.  
Mr. ALEXANDER with Mr. BENNY.  
Mr. BABCOCK with Mr. RICHARDSON of Tennessee.  
Mr. BRANDEGEE with Mr. BARTLETT.  
Mr. CALDERHEAD with Mr. CROWLEY.  
Mr. CASTOR with Mr. COCHRAN of Missouri.  
Mr. DAVIDSON with Mr. GRANGER.  
Mr. DIXON with Mr. DAVIS of Florida.  
Mr. EVANS with Mr. EMERICH.  
Mr. FORDNEY with Mr. FLOOD.  
Mr. FOWLER with Mr. FOSTER of Illinois.  
Mr. GARDNER of Massachusetts with Mr. DE ARMOND.  
Mr. HASKINS with Mr. GAINES of Tennessee.  
Mr. HAUGEN with Mr. VANDIVER.  
Mr. HEMENWAY with Mr. HEARST.  
Mr. HITT with Mr. HOWARD.  
Mr. HUGHES of West Virginia with Mr. KLUTTZ.  
Mr. HULL with Mr. PATTERSON of Tennessee.  
Mr. JENKINS with Mr. SCUDDER.  
Mr. MARSH with Mr. ROBERTSON of Louisiana.  
Mr. MARTIN with Mr. MAHONEY.  
Mr. OTIS with Mr. RIDER.

Mr. POWERS of Maine with Mr. REID.

Mr. POWERS of Massachusetts with Mr. COCKRAN of New York.

Mr. SIBLEY with Mr. STANLEY.

Mr. SMITH of New York with Mr. SMALL.

Mr. WACHTER with Mr. WILSON of New York.

Mr. WADSWORTH with Mr. SULLIVAN of New York.

Mr. WARNER with Mr. WILEY of Alabama.

Mr. WATSON with Mr. SWANSON.

Mr. WILLIAMSON with Mr. SOUTHALL.

After the holidays:

Mr. BURLEIGH with Mr. BRANTLEY.

Until further notice:

Mr. BIRDSALL with Mr. HILL of Mississippi.

Mr. BROOKS with Mr. COOPER of Texas.

Mr. BUCKMAN with Mr. LAMAR of Missouri.

Mr. CASSEL with Mr. GOOCH.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. CROMER with Mr. GRIFFITH.

Mr. DRAPER with Mr. RUCKER.

Mr. FLACK with Mr. SULZER.

Mr. GROSVENOR with Mr. CLARK.

Mr. LORIMER with Mr. MCANDREWS.

Mr. PEARRE with Mr. GILBERT.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. DEEMER with Mr. SHULL.

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. SHERMAN with Mr. RUPPERT.

The SPEAKER. The Chair will order a recapitulation of the vote.

The Clerk recapitulated the names of those voting.

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called and he voted "aye."

The result of the vote was announced as above recorded.

## IMPROVEMENT OF CURRENCY CONDITIONS.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. DALZELL in the chair. The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4831.

Mr. HILL of Connecticut. Mr. Chairman, I do not wish to be placed in any false light in regard to this vote. My only purpose in making this motion to-day to go into Committee of the Whole to consider this bill was that the general debate might be advanced. I had no thought of closing debate to-day. A number of gentlemen on this side desire to speak to-morrow. I understand that some gentlemen on that side desire to speak; and the only purpose was, not to procure a vote to-day—and it would be impossible in the Committee of the Whole House, as the committee would be forced to go back into the

House—but simply to advance debate as much as possible. Now, having consumed two hours on this side, I will ask if any one on that side—or rather opposed to the bill, for I will not say that side is opposed to the bill, but members on that side who are opposed to the bill—desires to take any time? I would ask the gentleman from Mississippi [Mr. WILLIAMS] if he desires to assign any time in opposition to the bill?

Mr. MADDOX. Why do you not go ahead on that side instead of waiting until to-morrow?

Mr. HILL of Connecticut. In view of the fact that we have consumed two hours on this side and desire to close the debate to-morrow, I think it would hardly be fair for those in favor of the bill to take all the time now and for those opposed to the bill to have the time to-morrow. I trust that the time will be taken alternately, so that we should have the opportunity to close debate on this side to-morrow.

Mr. MADDOX. I do not know of anybody that wants to speak on it; I do not know anything about it. The gentleman from Georgia [Mr. BARTLETT], who has charge of this bill, is sick in bed at the hotel and not able to be here.

Mr. HILL of Connecticut. That does not prevent gentlemen from speaking who desire to speak.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I understand that the gentleman from Connecticut is asking about the time on this side. The gentleman is aware of the fact that the gentleman from Georgia [Mr. BARTLETT], who has the time list, is in bed sick. I know nothing about who wants to speak in opposition to the bill. That was part of the statement made before. I believe the last speech was made in opposition to the bill, and the next one ought to be made upon that side. The gentleman from Connecticut can go on, and perhaps I can find out something about it. I do not know.

Mr. HILL of Connecticut. The gentleman from Mississippi was out of the Hall a moment ago. I have stated that there was no desire at any time to force the bill to a vote, but there are certain gentlemen on this side who desire to discuss the bill to-morrow.

Mr. WILLIAMS of Mississippi. It is not to force the bill to a vote, but there is evidently a desire to run the bill along in the absence of the gentleman in charge of the opposition.

Mr. HILL of Connecticut. I yield ten minutes or as much additional time as he may desire to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Chairman, we seem to have as much difficulty in getting on with the discussion of this measure as the Committee of Banking and Currency seem to have had in reporting the measure. It is natural that such should be the case in view of the importance of this question and the great divergence of views which exist among those who have carefully studied it, and therefore I can clearly see how these difficulties arise. I congratulate the committee on the bill that they have submitted for the consideration of the House, and I think the whole tenure of its nature is one that will be apt to meet with approval. When we think that this deals with the question upon which the successful running of our Government and business matters depends, then we know that such a measure should be carefully considered. The currency of the country is the means by which all exchanges in trade and commerce are made, and when the measure of value and the means of exchange are not sound and reliable, and founded on a basis which insures not only its perpetuity but its equilibrium, we can readily see the difficulty the committee had before it in framing the bill which they have submitted for our approval.

Mr. Chairman, the currency of our country as existing in bank notes is composed of the following sums: Of the greenbacks there are \$346,000,000; of national-bank notes, \$460,000,000; of silver certificates, \$447,000,000; of gold certificates, \$531,000,000; of Treasury notes, \$11,000,000. These, with the gold coin in circulation, forms the means of exchange and measure of value for all of our commercial transactions. There have been certain provisions which have been passed by Congress from time to time for the regulation of the issuance of this currency, for the amount of its redemption at the time, together with other matters, trying to preserve the equilibrium to which I have referred.

This bill is entitled "A bill to improve currency conditions," and, in my judgment, I think the whole tenor of the bill is, in that direction, on conservative lines and practical in each detail. The first section changes the act of Congress which limited the receipts from internal revenue to be deposited by the Secretary of the Treasury in the designated depositories. In the stirring financial times we have seen within the past few years, when the money market became so stringent that a panic occurred and even worse evils threatened the prosperity of the country, and the Secretary of the Treasury was appealed to to release some of the funds in his keeping, and which belonged to the Government of the United States, he said it was not in his

power so to do, although there were vast sums of ready money locked up in the Treasury vaults, because, owing to the act which stated that the receipts from customs could not be loaned out, he had released all of the money that was in his power to release under the law.

The object of the first clause of this bill is to cure that evil. The necessity for the restriction which was enacted years ago has passed. It was enacted in order that the gold receipts taken under the law from customs should be retained in the Treasury for the preservation of the gold standard and for the safety of the currency that was circulating throughout the land. As I say, this necessity having passed away, it is not considered advisable to have two kinds of currency, so to speak, or, rather, two lots of currency, with restrictions on one and not on the other, when their nature is identical in kind. So this removes that restriction and will give power to the Secretary of the Treasury to deposit, when in his judgment the necessity occurs, the customs receipts as well as the internal-revenue receipts in the designated depositories of the United States, and thus be able to relieve the stringency of the money market and avoid some of the terrible collapses of the near past.

In order to prevent the banks from drawing the circulation too fast, it was limited by law to the amount of \$3,000,000 per month. Experience has shown that this was not a wise provision, because often the banks desire to reduce their circulation at a more rapid rate. This prohibition of the law stood in the way, and accordingly it was limited to that amount. This made the currency larger than there was any necessity for—a condition which always leads to speculation and inflation. It stopped the elasticity of the currency, which is deemed by all the writers on that subject its most important characteristic, in order that the currency can expand and contract according to the business needs of the country.

The second section of this act proposes to remove that restriction of \$3,000,000 a month, and, as this section of the act reads, it would leave the amount unlimited.

That would certainly be a very dangerous thing to do, for it would enable large banking institutions, if they chose, to contract the currency by rapidly reducing their circulation to such an extent that they might affect the money markets, and thereby injure the business prosperity of the country. The gentleman from Connecticut [Mr. HILL] informed us that an amendment was to be made to this section, and that it was to be left in the discretion of the Secretary of the Treasury as to the amount that should be allowed to be withdrawn. I think with that amendment that this section will be sound and desirable to be incorporated into the law relating to our currency. Section 3 provides:

That the Secretary of the Treasury is hereby authorized, without regard to any heretofore prescribed limit of amount of subsidiary silver coinage, and as public necessities may demand from time to time, to recoin standard silver dollars from cash in the general fund in the Treasury into such authorized denominations of subsidiary silver coin as he may deem necessary to meet public requirements.

Mr. Chairman, I have no desire to go into any argument relating to the silver question or the ratio between gold and silver, or any other such question as might be brought into this discussion, for I consider it to be a simple proposition that has nothing to do with the larger and greater question, but that it is a practical suggestion as to how we might use and put into circulation the silver dollars now lying dormant, you might say, in the United States Treasury.

The people as a rule do not like the silver dollar. I know most people feel as I do. If I receive a silver dollar in change I pass it along and let the next man carry it, as quickly as possible, because a paper note is much lighter and more convenient. The silver dollars will be utilized in supplying a demand of the people for smaller subsidiary coinage.

In every part of the country the cry goes up for change. It is a well-known fact that over 95 per cent of the exchanges in the commercial world are made by checks, drafts, and bills. It is only the smaller transactions that are now paid for in coin and in small amounts, and hence the great demand throughout the country for small bills and small change, and when this smaller currency is issued it is absorbed so quickly that the Secretary of the Treasury has exhausted all the amount he is now allowed to coin into subsidiary coin from the silver. This will enable him to supply the demand of the country and at the same time use up these silver dollars. I would say here, Mr. Chairman, that there is one point not touched on in this bill which I regret very much. It is the general opinion of sound financiers that the greenbacks of our country should be retired. I know it is a most difficult problem, I know it is against the popular cry, Why should you pay interest on bonds to retire the greenbacks when we are getting a currency circulation for nothing?



In my judgment the best time to reform all the faults in the currency or in the laws that run contrary to the received opinions of those who have made the best study of this question is in the day of our prosperity. You can not do it in times of depression. Then the people are restless and suffering and they will not listen to any doctrines, as they describe such things to be. I have made some study of the questions of finance and taken a special course thereon, but the more I read and the more I study the more I become convinced that the finances of a nation are very similar to the finances of an individual, and that a nation, like an individual, is never so well off as when out of debt and when there are outstanding few promises to pay and few obligations to meet. The greenback is nothing in the world but a promissory note issued on the credit of the Government of the United States. It is true that the credit of our Government is such that that greenback will be taken by anybody anywhere, who is glad to get it. But times are not always so prosperous. Revenues may not always be so great. We may have conditions similar to those that we had during the civil war, when these notes were issued. All governments, in times of great distress, resort to the issuing of bonds and of fiat money, but it is not considered sound finance, and is never done except under great stress of adverse circumstances. I am sorry that the committee did not see a way to bring in a measure devising some gradual retirement of these promises to pay which are outstanding against the United States Government. In accordance with the greater demand for the issuance of smaller notes the fourth section of this act provides:

That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States, in sums of not less than \$10, and to issue gold certificates therefor in denominations of not less than \$10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose.

This provides for the issue of gold certificates in denominations of not less than \$10 instead of not less than \$20 as formerly. I regret to find that there is no restriction placed on the amount of the issuance of these notes. The Secretary of the Treasury in his report, unless I am mistaken, suggested that they be only reissued to one-eighth of the amount of the whole sum. There is a danger in the unlimited issuance of \$10 notes, and while it may be considered remote, nobody can foretell what may take place in the way of political changes, and if these notes are issued in unlimited quantities in sums of \$10 the larger notes might be issued by the Secretary of the Treasury if he was opposed to the present system of finance in larger sums than twenty and fifty dollar bills in greenbacks, and then the following result might happen: All the banking institutions hold the larger notes for their reserves and for transmission, owing to the fact that they are more easily handled and less costly to remit by express. If the larger denominations of greenbacks were issued they might be held as a reserve by the institutions, and then suddenly brought to the Treasury and their redemption in gold demanded.

And so the gold reserves of this country might be depleted and drawn out, not by redemption of the gold notes, but by redemption of greenbacks, which would be a very serious thing and might lead ultimately to serious consequences. I would like to see an amendment offered to this, putting some restriction of one hundred millions or something that would reduce this amount and not leave it open, as it would be under this act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 6498. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania," approved February 1, 1903.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 88.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River*

above Portland bridge, and the entrance to Back Cove, with a view to widening and deepening the channels at those localities, and to submit estimates for such improvements.

#### Senate concurrent resolution 87.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce.*

The message also announced that the Senate had made the following order:

Whereas the House of Representatives, on the 14th day of December, 1904, by five of its members, Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLET of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

*Ordered*, That the Senate will, according to its standing rules and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

*Ordered*, That the Secretary acquaint the House of Representatives herewith.

#### IMPROVEMENT OF CURRENCY CONDITIONS.

The committee resumed its session.

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask the gentlemen on the other side to now use some of their time.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not find anybody in opposition to the bill who desires to address the House at this time. The advocates of the bill have consumed something over one hour. This side has occupied twenty minutes. The debate might as well close now.

Mr. HILL of Connecticut. Mr. Chairman, I will yield fifteen minutes to the gentleman from Maine [Mr. POWERS].

Mr. WILLIAMS of Mississippi. But the gentleman from Connecticut can not yield to anybody now. The agreement in the House was that the time should be divided equally between those in advocacy of the bill and those in opposition to the bill. Gentlemen on his side have already consumed more than an hour of time, while on this side we have consumed about twenty minutes.

Mr. HILL of Connecticut. Well, Mr. Chairman, that is a new point of order to me, on which I would like a decision.

The CHAIRMAN. The Chair thinks that under an agreement, such as was had in this case, it is not in the power of one side to close debate by refusing to go on.

Mr. WILLIAMS of Mississippi. The agreement was that this bill should continue as unfinished business, and that the time for general debate should be divided equally between the advocates of the bill and those opposed to it, and that the gentleman from Connecticut should control one half of the time and the gentleman from Georgia should control the other half. The gentleman from Georgia is not here. I do not know to whom he has promised time. He was expected to speak himself. Nobody else that I know of is ready on this side. The other side has occupied more than one-half of the time.

The CHAIRMAN. The time on that side of the House, represented by the gentleman from Mississippi, could be made equal, of course, in general debate; but general debate can not be closed by a refusal of one side of the House to go on and debate the question.

Mr. WILLIAMS of Mississippi. I think it has been the uniform practice of the House, when debate has been equally divided, and we ran out of debating material, to close the debate. But if that is the ruling of the Chair, I move that general debate be closed, and in making that motion I will say that the other side has already had two or three times as much time as those in opposition to the bill.

The CHAIRMAN. The gentleman from Mississippi appreciates the fact that general debate can not be closed by order of the Committee of the Whole; it can only be closed in the House.

Mr. WILLIAMS of Mississippi. I can make a motion that after five minutes the debate be closed.

The CHAIRMAN. Not in Committee of the Whole in general debate.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I move that the committee rise, in order to report to the House.

Mr. HILL of Connecticut. I had not yielded the floor, Mr. Chairman, to the gentleman from Mississippi for any such purpose. I had yielded fifteen minutes to the gentleman from Maine [Mr. POWERS].

The CHAIRMAN. The motion is in order, but is not debat-

able. The question is on agreeing to the motion of the gentleman from Mississippi that the committee do now rise.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were 50 ayes and 33 noes.

So the committee determined to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4831, and had come to no resolution thereon.

Mr. WILLIAMS of Mississippi. Mr. Speaker, under the agreement made in the House the other day the gentleman from Georgia and the gentleman from Connecticut were to control the time, the former in opposition and the latter in advocacy of the pending bill. The time for general debate was to be equally divided between the two sides in advocacy of and in opposition to the bill. The advocates of the bill have consumed something over an hour's time. The opponents of the bill have consumed something like half an hour. The gentleman from Georgia being absent and in bed sick, I, being unadvised of his list of debaters, have not been able to find anyone to speak this morning. The gentleman from Georgia [Mr. BARTLETT] was to have spoken himself, and perhaps somebody was to have followed him to-morrow, but I do not know. At any rate I do not know of anyone who wishes to occupy further time. I therefore move, for it is patent to the House that there is no use for one side doing all the debating on a particular bill—I move that general debate be closed, and on that I move the previous question.

The SPEAKER. The gentleman from Mississippi moves to close general debate upon the bill H. R. 4831 in Committee of the Whole House on the state of the Union, and upon that he asks the previous question.

The question was taken, and the previous question was ordered.

Mr. HILL of Connecticut. Mr. Speaker, do I understand the motion is on the previous question?

The SPEAKER. The previous question has been ordered. The question now is on closing general debate.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 93, noes 66.

So the motion was agreed to.

Mr. HILL of Connecticut. Mr. Speaker, general debate having been closed, in violation of the agreement made by the minority, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions.

The SPEAKER. The question is on the motion of the gentleman from Connecticut that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions.

The question was taken; and on a division (demanded by Mr. HILL of Connecticut) there were—ayes 87, noes 81.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I demand tellers.

Mr. HILL of Connecticut. Mr. Speaker, to save time, I will demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 107, answered "present" 5, not voting 151, as follows:

## YEAS—122.

|              |                 |                  |                  |
|--------------|-----------------|------------------|------------------|
| Adams, Pa.   | Dwight          | Knowland         | Scott            |
| Adams, Wis.  | Esch            | Kyle             | Shiras           |
| Bartholdt    | Evans           | Lacey            | Smith, Ill.      |
| Bates        | Fordney         | Lafean           | Smith, Iowa      |
| Bede         | Foster, Vt.     | Landis, Chas. B. | Smith, Samuel W. |
| Beidler      | Fuller          | Lawrence         | Smith, Pa.       |
| Boutell      | Gaines, W. Va.  | Lilley           | Southard         |
| Bowersock    | Gardner, Mich.  | Littauer         | Southwick        |
| Bradley      | Gillet, N. Y.   | Longworth        | Spalding         |
| Brick        | Gillet, Cal.    | Loud             | Sperry           |
| Brown, Pa.   | Gillet, Mass.   | Lowering         | Steenerson       |
| Burke        | Graft           | McCall           | Steuering        |
| Burkett      | Greene          | McCarthy         | Stevens, Minn.   |
| Butler, Pa.  | Hamilton        | McCleary, Minn.  | Sulloway         |
| Calderhead   | Hemenway        | McLachlan        | Tawney           |
| Campbell     | Henry, Conn.    | McMorran         | Thomas, Ohio     |
| Capron       | Hermann         | Mahon            | Tirrell          |
| Cooper, Pa.  | Hildebrandt     | Marshall         | Townsend         |
| Cousins      | Hill, Conn.     | Miller           | Volstead         |
| Crumacker    | Hinshaw         | Morgan           | Vreeland         |
| Carrier      | Holliday        | Morrell          | Wanger           |
| Curtis       | Howell, N. J.   | Mudd             | Webber           |
| Cushman      | Huff            | Needham          | Weems            |
| Dalzell      | Hull            | Olmsted          | Wiley, N. J.     |
| Daniels      | Humphrey, Wash. | Otjen            | Williamson       |
| Darragh      | Jenkins         | Palmer           | Wilson, Ill.     |
| Davis, Minn. | Jones, Wash.    | Parker           | Wood             |
| Dovener      | Kennedy         | Payne            | Woodyard         |
| Dresser      | Kinkaid         | Porter           | Young            |
| Driscoll     | Knapp           | Powers, Me.      |                  |
| Dunwell      | Knopf           | Reeder           |                  |

## NAYS—107.

|             |                  |                |                 |
|-------------|------------------|----------------|-----------------|
| Acheson     | Gillespie        | Lamb           | Ryan            |
| Adamson     | Glass            | Legare         | Shackelford     |
| Aiken       | Goulden          | Lever          | Sheppard        |
| Baker       | Granger          | Lindsay        | Sherley         |
| Bankhead    | Gregg            | Little         | Shober          |
| Bassett     | Griggs           | Lloyd          | Sims            |
| Beall, Tex. | Gudger           | Lucking        | Smith, Ky.      |
| Bell, Cal.  | Hardwick         | McNary         | Smith, Tex.     |
| Bonyng      | Harrison         | Macon          | Snook           |
| Bowers      | Hay              | Maddox         | Stephens, Tex.  |
| Bowie       | Heflin           | Maynard        | Sullivan, Mass. |
| Breazeale   | Hepburn          | Meyer, La.     | Talbott         |
| Brundidge   | Hitchcock        | Miers, Ind.    | Tate            |
| Burgess     | Hogg             | Moon, Tenn.    | Thomas, Iowa    |
| Burleson    | Hopkins          | Padgett        | Thomas, N. C.   |
| Burnett     | Hughes, N. J.    | Pierce         | Trimble         |
| Byrd        | Humphreys, Miss. | Pinckney       | Underwood       |
| Croft       | Hunt             | Pou            | Vandiver        |
| Crowley     | James            | Pujo           | Van Duzer       |
| Davey, La.  | Johnson          | Randell, Tex.  | Wade            |
| Dougherty   | Jones, Va.       | Ransdell, La.  | Wallace         |
| Feld        | Kehoe            | Rhea           | Webb            |
| Finley      | Keliher          | Rixey          | Williams, Ill.  |
| Fitzgerald  | Kitchin, Claude  | Robb           | Williams, Miss. |
| Fitzpatrick | Kitchin, Wm. W.  | Robinson, Ark. | Wynn            |
| Garber      | Kline            | Robinson, Ind. | Zenor           |
| Garner      | Lamar, Fla.      | Russell        |                 |

## ANSWERED "PRESENT"—5.

|             |        |                |                  |
|-------------|--------|----------------|------------------|
| Cassingham, | Deemer | Patterson, Pa. | Richardson, Ala. |
| Cromer      |        |                |                  |

## NOT VOTING—151.

|                |                |                   |                  |
|----------------|----------------|-------------------|------------------|
| Alexander      | Denny          | Ketcham           | Rider            |
| Allen          | Dickerman      | Kluttz            | Roberts          |
| Ames           | Dinsmore       | Lamar, Mo.        | Robertson, La.   |
| Babcock        | Dixon          | Landis, Frederick | Rodenberg        |
| Badger         | Douglas        | Lester            | Rucker           |
| Bartlett       | Draper         | Lewis             | Ruppert          |
| Benny          | Emerich        | Lind              | Scarborough      |
| Benton         | Flack          | Littlefield       | Scudder          |
| Bingham        | Flood          | Livernash         | Sherman          |
| Birdsall       | Foss           | Livingston        | Shull            |
| Bishop         | Foster, Ill.   | Lorimer           | Sibley           |
| Brandagee      | Fowler         | Loudenslager      | Slayden          |
| Brantley       | French         | McAndrews         | Slemp            |
| Brooks         | Gaines, Tenn.  | McCreary, Pa.     | Small            |
| Broussard      | Gardner, Mass. | McDermott         | Smith, Wm. Alden |
| Brown, Wis.    | Gardner, N. J. | McLain            | Smith, N. Y.     |
| Brownlow       | Gibson         | Mahoney           | Snapp            |
| Buckman        | Gilbert        | Mann              | Southall         |
| Burleigh       | Goebel         | Marsh             | Sparkman         |
| Burton         | Goldfogle      | Martin            | Spight           |
| Butler, Mo.    | Gooch          | Minor             | Stafford         |
| Caldwell       | Griffith       | Mondell           | Stanley          |
| Candler        | Grosvenor      | Moon, Pa.         | Sullivan, N. Y.  |
| Cassel         | Hamlin         | Murdock           | Sulzer           |
| Castor         | Haskins        | Nevin             | Swanson          |
| Clark          | Haugen         | Norris            | Taylor           |
| Clayton        | Hearst         | Otis              | Thayer           |
| Cochran, Mo.   | Hedge          | Overstreet        | Van Voorhis      |
| Cockran, N. Y. | Henry, Tex.    | Page              | Wachter          |
| Connell        | Hill, Miss.    | Patterson, N. C.  | Wadsworth        |
| Conner         | Hitt           | Patterson, Tenn.  | Warner           |
| Cooper, Tex.   | Houston        | Pearre            | Warnock          |
| Cooper, Wis.   | Howard         | Perkins           | Watson           |
| Cowherd        | Howell, Utah   | Powers, Mass.     | Weisse           |
| Davidson       | Hughes, W. Va. | Prince            | Wiley, Ala.      |
| Davis, Fla.    | Hunter         | Rainey            | Wilson, N. Y.    |
| Dayton         | Jackson, Md.   | Reid              | Wright           |
| De Armond      | Jackson, Ohio  | Richardson, Tenn. |                  |

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the day:

Mr. KETCHAM with Mr. LESTER.

For the vote:

Mr. MANN with Mr. GOLDFOGLE.

Mr. ALLEN with Mr. LIND.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. FOSS with Mr. BENTON.

Mr. LITTLEFIELD with Mr. McDERMOTT.

Mr. McCREARY of Pennsylvania with Mr. LEWIS.

Mr. HEDGE with Mr. McLAIN.

Mr. ROBERTS with Mr. HOUSTON.

Mr. MURDOCK with Mr. SLAYDEN.

Mr. MONDELL with Mr. SPARKMAN.

Mr. MOON of Pennsylvania with Mr. SPIGHT.

Mr. WRIGHT with Mr. WEISSE.

Mr. GIBSON with Mr. CANDLER.

Mr. BINGHAM with Mr. LIVINGSTON.

For the balance of the day:

Mr. POWERS of Massachusetts with Mr. EMERICH.

Mr. GARDNER of New Jersey with Mr. CLAYTON.

Mr. OVERSTREET with Mr. COWHERD.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4831) to improve currency conditions, with Mr. DALZELL in the chair.

The CHAIRMAN. General debate has been closed by order of the House. The Clerk will report the bill by paragraph.



The Clerk read as follows:

*Be it enacted, etc.,* That section 5153 of the Revised Statutes be, and is hereby, amended by striking out from the first clause of said section the words "except receipts from customs;" so that said clause shall read as follows:

"All national-banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them."

Mr. POWERS of Maine. Mr. Chairman—

The CHAIRMAN. The gentleman from Maine.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The gentleman from Maine has been recognized. The Chair will recognize the gentleman from Mississippi later.

Mr. POWERS of Maine. Mr. Chairman, I yield to the gentleman to offer his amendment.

The CHAIRMAN. The gentleman from Mississippi offers the following amendment, which the Clerk will report.

The Clerk read as follows:

After the word "regulations," in line 9, page 1, insert the words "requiring payment of interest on amounts deposited and limiting amount to be deposited in any one bank bidding in competition for the same."

Mr. WILLIAMS of Mississippi. Now, the gentleman from Maine has yielded to me to offer the amendment. Will he yield me just two minutes for an explanation in brief of what it is? I just want the House to understand what it is, and then I will yield back to the gentleman.

Mr. POWERS of Maine. Providing it does not come out of my time.

Mr. WILLIAMS of Mississippi. Oh, no; not at all.

Mr. Chairman, this amendment is offered for the purpose of accomplishing the object that I called attention to the other day in the general debate. It is for the purpose of requiring banks which receive deposits to pay interest upon them, to compete in order to determine which bank shall obtain the deposits, to permit the Secretary of the Treasury to prescribe in what manner that shall be done, and also to prescribe a limitation of the amount which any one bank shall receive on deposit. I do not wish to debate the matter, but for fear the House did not understand it from the reading of the Clerk I wanted to make an explanation, as a great many of you were not listening and there was a great deal of confusion at the time the Clerk read the amendment. I want you to know that this is to stop the abuse of lending money to the banks without interest, and to make those banks that receive money pay for it.

Mr. POWERS of Maine. Mr. Chairman, it has been my misfortune not to be present during the debate upon this bill, and judging from what I have read and heard about it I think very few of the Committee on Banking and Currency, if any, have taken much part in that discussion. Now, whatever affects the regulations of the Treasury Department as to the course to be pursued with the surplus therein and whatever affects the currency of our country is of vital interest to us all. I am a believer in sound currency, in a dollar that is worth its full face value everywhere. This first section in the bill repeals a prohibition that has been placed upon the power of the Secretary of the Treasury to deposit in national banks money collected on imports. When that inhibition was placed there it was wise. Conditions were different then from what they are now. It was absolutely necessary that there should be gold paid into the Treasury to meet certain obligations which were payable in gold. All customs duties were payable in gold, while other indebtedness to the Government could be settled with currency. The reasons which led to the placing of that inhibition, or the adoption of it, preventing the deposit of money collected for customs, have ceased to exist since all our currency is on a gold basis, and what was wise in its time and indispensable has become irksome and useless. Now, I am not intending to discuss the proposition of whether or not national banks should pay interest upon deposits or under what conditions they should pay. It seems to me that there are some reasons why they should, but yet that is a question that requires careful consideration, and in my judgment should be considered in committee carefully and reported to this House in a separate bill by itself covering all the conditions in reference thereto which must necessarily be provided for in case we are to require anything of that kind of them. Nothing of the kind was contemplated in this section. To-day a collector of customs collecting money at some port distant from a subtreasury can not deposit with a national bank as can a collector of internal revenue, but he must send by express, at the expense of the Government, all moneys collected to some subtreasury. That is true,

I believe, of every customs district or customs collector in my own State. If, on the contrary, he could deposit that money in an authorized depository and send a check from that authorized depository on its correspondent bank in the city where the subtreasury is as often as regulations may require, the Government would save a large amount of money that is now paid for expressage, and the money would not be withdrawn from the circulation or business of the country. The object aimed at by this section is not in the interest of the banks, but of the Government and commercial prosperity.

I am not frightened with the bugbear of national banks. I believe they have had much to do with our wonderful prosperity, that our banking system is one of the best ever devised, and I am also confident that to no one is a panic more injurious than to them. Still I have no fears but they can care for their interests.

By permitting this legislation we do not in the least increase the amount that the Secretary of the Treasury can deposit in national banks, because the amount of deposits has never yet reached, by a large sum, the amount collected from other sources. The adoption of this section and the repeal of a restriction which has become irksome and useless simply permits the deposits of all moneys alike, saves expense to the Government of the United States, and has a tendency to keep it in circulation. I can not see why any person should object to it.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. POWERS of Maine. Well, I do not know that I desire to discuss this section any further. It seems to me that I have made my position upon it fairly plain. I have something I may desire to say on some other sections of the bill, as I had not the privilege of being heard in general debate and am a member of the Committee on Banking and Currency, from which it was reported.

Mr. MACON. I desire to offer an amendment.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. MACON. It is an amendment to the section.

The CHAIRMAN. Then the gentleman will withhold his amendment until the other is disposed of. The Chair will recognize the gentleman later.

Mr. MACON. The amendment can be held there; I would like to be recognized on it as soon as the other is disposed of.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. HILL of Connecticut and Mr. WILLIAMS of Mississippi rose.

Mr. HILL of Connecticut. If the gentleman desires to discuss his amendment—

Mr. WILLIAMS of Mississippi. I do not wish to be heard on the amendment unless somebody desires to debate it.

Mr. THAYER. Mr. Chairman, I am in favor of the principle embodied in the gentleman's amendment, but I think it would be better that the per cent should be fixed rather than to leave it for competition.

Mr. WILLIAMS of Mississippi. You mean the interest?

Mr. THAYER. I mean the minimum interest; and I would not make it very large—not 2 per cent.

Mr. WILLIAMS of Mississippi. We can not fix that fully from year to year or month to month, because that would depend upon the state of the money market. Better to have the rate of interest on the deposits fixed by the rate of the bids of the banks. That would be a better way to have it than to leave it to the discretion of the Secretary of the Treasury making regulations changing it.

Mr. THAYER. I do not like the auction feature of the motion. I always have believed that banks should pay some interest on national deposits, which they are not doing now. I know that they are secured by the bonds that are deposited; but I think that in addition to that the banks should pay some small rate of interest on all deposits, and if all the customs—those which by this bill would be and the others which are deposited—are to be given over to national banks it seems to me that the banks should pay some interest.

It seems to me there might be some inconsistency; but I would like to ask whether the gentleman's motion is intended to include only these new customs that they are going to be permitted to deposit, or does it refer not only to these customs but to all other money? I did not note carefully the reading of the gentleman's motion.

Mr. WILLIAMS of Mississippi. It applies to all classes of money.

Mr. THAYER. Then I am more heartily in favor of it than ever. But I think it would be better to fix a minimum limit rather than to let it out to the highest bidder. I don't like this auction feature of the gentleman's motion. I think the general

principle of his motion is right. I do not see why these banks should not pay interest, and there is no logic in their having the use of the money without paying anything for it. I understand that the gentleman who prepared the minority report on this bill is in favor of the proposition that is contained in this first section.

While I am on my feet I want to say something relative to a section coming further along down, so that the Members can be thinking about it. It is contained in section 3. I am opposed to Congress shirking, if I may use that word, their responsibilities and duties and throwing them on the heads of Departments, whether it be the Secretary of the Treasury, the Secretary of the Navy, or the Secretary of any of the other great Departments. I think if we have a duty to perform here we ought to take the responsibility; and it occurs to me that it would be wise legislation, in view of the fact that we are to permit the recoinage of the silver dollars into subsidiary coin, that we should place a limit as to the amount that shall be recoined each year. We should not leave it to the discretion of anyone, the Secretary of the Treasury or anyone else. I have noticed in other forms of legislation that we have adopted the plan of leaving many things to the Secretary of this and the Secretary of that. I think it is better that we should place the limit here, and we should not place this responsibility on the Secretary of the Treasury as to how much of the silver currency shall be recoined into subsidiary coin each year.

As I understand it, there are 528,000,000 of silver dollars now—500 carloads of silver dollars in the Treasury. Now, Mr. Chairman, what I claim is, if any amount of this is to be recoined into subsidiary coin where it is needed and taken from the place where it is not needed, namely, in silver dollars, then I should place a limit on the amount that should be recoined each year.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. THAYER. Well, I can discuss this matter further when the section is reached in regular order.

Mr. HITCHCOCK. Aside from the fact that the Government of the United States derives no return whatever from something like \$150,000,000 now on deposit in the national banks of the country year in and year out, aside from the fact that those banks pay nothing to the Government for the valuable use of that great sum of money, it seems to me there is another important reason why this amendment, offered by the gentleman from Mississippi [Mr. WILLIAMS], should carry. That is, that the present practice permits the Administration, for the time being, to locate these great sums of money in banks that may be, for the time being, political favorites. And we know by the past that this has been done. It has been put into the record of the proceedings of this House that great bankers in the city of New York have demanded of the Administration the deposit of Government funds in their particular banks in reward for political services rendered by the officers of those banks. If the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] shall prevail, that evil in politics in part will be removed, and deposits of the Government, if they must be placed in banks, will be placed not as a reward for political services, but strictly upon business principles.

Personally, Mr. Chairman, I do not favor the idea embodied in this section. I believe that, instead of removing the limitations for the deposit of public money in the banks of the country, so as to increase the opportunity for the deposit of public funds, the legislature of this country should go in the opposite direction. It seems to me that this removal at this time is designed chiefly not to promote the public service by permitting customs officers at remote regions to deposit in bank, but is designed chiefly to swell the great deposits of the Government in the banks in New York City, where most of the customs are to be paid. It will have no effect at all upon the interior banks of the country, and will chiefly serve, and is designed chiefly to swell the deposits of, the great banks in New York City, where the money can be used to loan to stock gamblers and other borrowers, who may borrow it there. But, certainly, if we must have this provision, we should incorporate the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS]. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, the section of the bill under consideration has absolutely nothing to do with the question presented by the gentleman from Mississippi [Mr. WILLIAMS] or with the point discussed by the gentleman from Nebraska [Mr. HITCHCOCK]. It is simply a straightforward business proposition. For instance, it is a question, practically, whether the treasurer of the city of New York in collecting the taxes of the city of New York should take those taxes and lock

them up in the vaults of the city or deposit them in the banks and have them go back into circulation, where they may be drawn upon by the treasurer.

It is a question whether the custom-house collector in Tampa, Fla., or on the coast of Canada, or on Puget Sound, or on any of the outlying portions of the United States, should take the identical money, the coin, the bills, out of circulation in the community where the customs are paid and ship them by express to Washington, or whether he should keep them in circulation by depositing them in the banks in the community where they are collected and permit the Government to draw on them by check or draft just as any individual would in his business, or as any corporation would do, with these funds. Forty years ago the Government could not do that, because the interest on the bonds being payable in gold, and gold being at a large premium, it was necessary to take the identical funds and have them sent to Washington and locked up in the Treasury and use them for this specific purpose. That course is no longer necessary. The question which the gentleman from Mississippi [Mr. WILLIAMS] raises is an entirely different one, and a discussion of the policy of paying interest on deposits will be found in the Treasurer's report at length last year. The policy which is now being pursued continued for sixty years under Democratic Administrations and for forty years under Republican Administrations.

This is purely an administrative measure. If the House wants the Government to withdraw these funds from circulation which are paid in for customs and to lock them up in the Treasury, taking them out of daily use by the people, they will strike out this section; but the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] involves large questions of a hundred years' duration that have not been considered at all by the committee and ought not to be put as an amendment onto this proposition. For this is a straightforward business proposition and nothing else, purely administrative, and the other is theoretical. I hope the amendment will be voted down and the section adopted as it is.

Mr. COCKRAN of New York. Mr. Chairman, will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from New York?

Mr. HILL of Connecticut. I do.

Mr. COCKRAN of New York. Mr. Chairman, what is the objection to applying business principles to this money?

Mr. HILL of Connecticut. Not any.

Mr. COCKRAN of New York. To the money collected under the provisions of this bill?

Mr. HILL of Connecticut. There is no objection. That is the purpose of the bill, to apply ordinary business methods.

Mr. COCKRAN of New York. Surely the gentleman does not contend that where there are large deposits placed in a bank by any institution, public or private, it is unusual to exact interest.

Mr. HILL of Connecticut. Why, not at all, Mr. Chairman, and I honestly wish as a Republican that there were no surplus to deposit in the national banks of the country outside of the ordinary business requirements of the Government; but this relates to the ordinary business requirements of the Government, the money that is coming in from day to day and going out from day to day. The question which the amendment of the gentleman from Mississippi [Mr. WILLIAMS] relates to is the question whether, after the money had been received in the Treasury Department and it is taken out and placed as a loan, it should receive interest. That is the proposition which he is endeavoring to inject into this bill.

Mr. COCKRAN of New York. Mr. Chairman, why does the gentleman object to making the same rule for the deposit of funds received by the Government that would be made by any other business institution likely to make deposits of equal amount?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN of New York. I ask unanimous consent that the time be extended to allow the gentleman to answer this question.

The CHAIRMAN. If there be no objection, the time of the gentleman from Connecticut will be extended.

There was no objection.

Mr. HILL of Connecticut. I would state that the question involves very different principles from that involved in this bill. I will call the gentleman's attention to the Treasury report for last year, page 25, in which the Treasurer discusses this whole question. And I would also call his attention to an act of Congress of June 23, 1836, where the whole question of interest on deposits was treated. And even there, under Democratic administration—and wise administration, in my judgment—no



interest was charged on deposits within a limit of 25 per cent of the bank's capital, it being considered that that was what would be called an "active deposit," being deposited and drawn on every day.

I will state to the gentleman from New York [Mr. COCKRAN] that the whole purpose of this section was to treat the Government funds precisely as the gentleman would treat his own, precisely as the New York Central Railroad or the Pennsylvania Railroad would treat their active working balances. It did not propose and does not propose to dispose of the question of the loaning of surplus money in any way, shape, or manner, and it hardly seems to me fair to inject that proposition into this administrative measure.

Mr. COCKRAN of New York. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. HILL of Connecticut. I think the gentleman from New York has the floor.

Mr. COCKRAN of New York. I desire to take the floor in my own time.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. COCKRAN of New York. Mr. Chairman, I support the amendment of the gentleman from Mississippi [Mr. WILLIAMS] largely on account of the answer just made by the gentleman from Connecticut. [Applause on the Democratic side.] I want exactly the same rules applied to the management of its finances by the Government that I would apply in my own affairs, or that the New York Central Railroad would apply to any funds that came into its possession. If I had a large amount of money to deposit, I would place it either in a trust company or with a bank under an arrangement to pay interest upon my daily average balance, and that is what it seems to me the Government should do. If it be a balance so active that it will not allow the payment of interest at a profit to the bank, why, no bank will offer me any interest, and in that case I will be compelled to make a deposit unconditionally.

Now, my friend from Massachusetts [Mr. THAYER] suggests that he abhors the idea of a competition or auction between banks to fix the rate of interest. I do not quite know how a rate of interest can be fixed or determined except through competition or through an auction, as he calls it. Every penny that is borrowed anywhere is borrowed as the result of an auction or competition in which the borrowers contend against each other for the best conditions on which they can secure a loan, and the lenders contend against each other for the best conditions under which they can make the loan. The result of these competitions fixes the rate of interest. You can not have a market rate of interest fixed in any other way.

Mr. THAYER. Our savings banks paid a rate of 5 per cent for a good many years.

Mr. COCKRAN of New York. Established by whom?

Mr. THAYER. Loans on mortgages to savings banks. Now I think this rate ought to be low—I think it ought to be less than 2 per cent.

Mr. COCKRAN of New York. Whatever rate the Government would fix might prove too high. Assuming it to be as low as 2 per cent a year, the rate in the market may fall so much lower that the banks would not pay even that moderate rate; for if a bank could not loan money at more than 1½ per cent manifestly it could not pay 2 per cent to the Treasury for the use of it.

Mr. THAYER. But, Mr. Chairman, the Government would be no worse off than it is now, for it gets nothing now.

Mr. COCKRAN of New York. I do not want the Government, after we have dealt with any of its functions, to be in a condition where the best that can be said of it is that it is no worse off for our meddling. I want this legislation or any other legislation that finds its way into our statute books to result in some positive advantage to the Government. Unless you leave the rate of interest to be fixed by the operations of trade, you are liable to nullify your bill and make it wholly inoperative with regard to this matter of seeking interest on deposits of public moneys.

Mr. OLMSTED. If the gentleman from New York [Mr. COCKRAN] or myself were fortunate enough to have a large sum of money which we wished to deposit we might receive bids from banks, but is it not also true that in many such cases it might be found that the bank offering the largest rate of interest was the least stable and solvent?

Mr. COCKRAN of New York. Undoubtedly, sir. The gentleman from Pennsylvania [Mr. OLMSTED] makes a suggestion that is pregnant with interest. I heard myself with great interest a passage at arms between the gentleman from Connecticut [Mr. HILL] and the gentleman from Mississippi [Mr. WILLIAMS] two

days ago, in which that question was broached, and treated with great felicity. The gentleman from Mississippi [Mr. WILLIAMS] seemed to believe that wherever rates of interest were high money would naturally gravitate for employment; but that is a mistake. There is something more important to owners of money than the rate of interest, and that is the security. I remember a social organization some years ago in New York that was known as the "Hyena Club," whose members were possessed of everything but money. [Laughter.] One of the humorous features of its sessions was to post on the walls the market rate for call money from the Evening Post, which seldom exceeded 3 per cent, and alongside of it an offer of the Hyena Club of 30 per cent for any amount. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLMSTED. Mr. Chairman, I will ask that the gentleman's time may be extended. We have taken up his time mostly among ourselves.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from New York may be extended. Is there objection?

There was no objection.

Mr. COCKRAN of New York. In those days there was also an occasional flurry about time loans, coming from a disposition on the part of borrowers to demand that they should be for four months or three months instead of sixty days. The Hyena Club always coupled with its liberal offer of a 30 per cent rate of interest a statement that it was indifferent as to time, that all it asked was thirty seconds; the balance it would take for itself. [Laughter.] Now, that occurred in Park Row, which is only a stone's throw from Wall street, where men were competing eagerly with each other for a chance to loan at 2½ per cent or 3 per cent. Yet the Hyena Club's offer of 30 per cent never induced one owner of money to make it a loan or even received the slightest notice. So it is that you find money will not flow always or indeed usually in the direction where the highest rates of interest are offered. Where rates of money are highest there security is generally believed to be lowest. Where the rates of money are lowest there lenders believe the security to be best, and as owners of money value the safety of their funds above the profits to be made by lending them, it follows that the lower you find interest rates in any place the stronger the tendency of money to gravitate in that direction.

Mr. SHERLEY. Mr. Chairman, is not the question of security absolutely eliminated by the fact that no deposits of Government money can be made in any bank except upon security given by the bank in the way of a deposit of United States bonds?

Mr. COCKRAN of New York. That is quite true as to these particular deposits, but the rate of money will not be controlled by these particular deposits. The whole supply of money available for all the purposes of trade will fix the rates of interest at every point. Now, I do not fear at all the operations of trade in fixing the rate of interest. It is quite true that under the operation of this system money would very probably flow in the first instance to New York. But it must be employed by New York bankers. They can not make profits out of it by locking it up in a vault and contemplating it or counting it. They must employ it by sending it out into the channels of trade in order to receive any return for it. Now, if the Government select one particular bank and place money on deposit with it without interest, it is practically making a present to that particular institution of an amount equal to the interest that deposit will earn; and that is not only unjust to the entire body politic, but it is a source of demoralization quite as corrupting as the gentleman from Mississippi declared it to be the day before yesterday. You must allow the Government, on the other hand, to deposit its funds in the banks or else those funds must remain locked up in some vault of a sub-treasury. Money locked up in the vault of a sub-treasury is withdrawn from circulation. The channels of trade are deprived of its vivifying influence. There are no means of getting those funds out into the various avenues where they can be employed to the profit of everyone except to deposit them in the banks.

Section 1 of this bill aims at that end. It is a most salutary measure. The reason why funds proceeding from customs taxation have not been hitherto deposited in banks according to the usual custom of civilized nations has been explained by the gentleman from Connecticut [Mr. HILL], and it has passed away. You can not allow large sums of money to be gathered and held idle in a vault without seriously restricting the activities of commerce and endangering its prosperity. But the rules of sound commerce should be made to govern all the oper-

ations of government, not merely to prescribe the deposit of public funds in the banks for the purpose of liberating them, but also to prescribe wholesome conditions under which the deposit must be made. I would not, even if this amendment fail, vote against this bill, because I consider there is a capital necessity to keep the public moneys in circulation through the medium of the banks, even if the conditions of deposit be unjust to the Government; but I do not think opposition to this should be justified, even colorably, by any hesitation on the part of its sponsors to adopt a suggestion which is not only conceived in morality and justice but which is backed by the experience of every community; and I appeal to the gentleman from Connecticut [Mr. HILL], when an amendment comes from this side of the House which does not impair but strengthens his measure, to adopt it gladly and allow those of us on this side who sympathize with the body of his bill to feel that we are not helping a party measure of the other side, but that we are joining in a nonpartisan attempt to make the conditions of our trade more prosperous by broadening and strengthening its foundations.

Mr. SCOTT. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. COCKRAN of New York. Certainly.

Mr. SCOTT. Mr. Chairman, I am very much disposed to sympathize with that amendment, and if I fail to support it it will be because of a fear that it might operate to keep the money, these surplus funds of the Government, out of circulation in this way, and I desire to ask the gentleman's opinion upon that. I notice that call money in New York yesterday was at 2½ per cent, notwithstanding the recent very great flurries in Wall street. Is it the opinion of the gentleman from New York [Mr. COCKRAN] that New York bankers would be willing to pay even so much as 1 per cent interest regularly on Government balances, which are likely to be called for at any time, when, even with the conditions that prevail such as have for the past two days in New York, they can get only 2½ or 3 per cent for their call loans?

In other words, would not the insistence on the part of the Government for some measure of interest on its deposits cut out a very large sum of money from circulation and compel it to be locked up in the vaults where the people would have no opportunity to use it?

Mr. COCKRAN of New York. Oh, no. If a bank could not afford to pay 1 per cent, it would bid only one-half of 1 per cent, and if it could not afford to pay one-half of 1 per cent, it would simply bid one-quarter of 1 per cent. The amendment of the gentleman from Mississippi [Mr. WILLIAMS] leaves the value of money to be fixed absolutely by conditions of trade and the rate of interest to be determined by the banks themselves. The bank which thinks it can afford to pay 2 per cent will be successful in obtaining a deposit against a bank which offers only 1½ per cent, the action of each bank being controlled by the judgment of its officers; and that forms the competition which is the very life of prosperous commerce, for it makes success a prize to be won by superior service to the community.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in reference to the matter last mentioned by the gentleman from Kansas [Mr. SCOTT], this is to be remembered—that probably the banks will give more for money deposited by the Government "on call" than for any other sort of call money, because the Government makes the least sudden of all calls for money on call, the Government always giving from thirty to sixty days' notice. That is the invariable custom.

Now, another thought, Mr. Chairman. Ordinarily when one has money to lend one considers both the security and the interest to be offered by the borrower, but in this case the Government would consider the interest alone, for the simple reason that the security is the same for all banks, it being already prescribed by law and every mooted point in connection with the legal prescriptions and security being settled by precedents in the Department, so that the question asked by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely wide of the mark in this case. If I wanted to lend money and he and three other gentlemen bid for it, I would inquire very solicitously not only as to their rates of interest, but I would inquire very solicitously as to the solvency of each and as to the security which each were going to give.

Mr. OLMSTED. I am afraid I would not get your deposits.

Mr. WILLIAMS of Mississippi. I expect maybe you would to the limited amount I have been hitherto able to lend. I believe I would take your personal note to go on.

Now, in this case, Mr. Chairman, the Government requires the same security of all bidders.

Now, I want the House to understand just exactly what this

amendment does. This without the amendment reads as follows. Follow me, please:

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them.

Now, as it stands to-day without the proposed amendment, these depositories are designated for that purpose by the Secretary of the Treasury "under such regulations as he may prescribe" from time to time, and there is danger of favoritism, if he wishes to show any. I knew once in my life of a most flagrant case of favoritism of my own knowledge. A Member of this House forwarded to the Secretary of the Treasury—under an Administration which I shall not mention for obvious reasons, because I do not want any personalities brought into the debate and do not want my argument to be an attack upon anybody—an application from a national bank in a little town in his State asking that that bank be made a Government depository. There came back an answer in writing from the proper authority saying that the Government did not have any more money to deposit in banks for that fiscal year. This Member of Congress was very much astonished about a week after that to pick up a newspaper and see a piece of news to the effect that the Republican referee for his State had been to Washington and had secured the designation of another bank in the same town as the Government depository. He therefore sat down and wrote to the Secretary of the Treasury calling his attention to the Department's letter, inclosing a copy of it, and at the same time calling attention to his own letter to the Treasury Department and calling attention to this newspaper publication and asking if it were true. The official wrote that it was true; that there had been some mistake, oversight, or something of the kind, whereby a bank in that town—

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Whereby a bank in the town that was designated by the Republican referee had obtained the designation, and the official then very kidly made them both national depositories, so as to have no question about it, notwithstanding the previous communication that there would be no other deposits made.

I have read you the clause of the present law and of the bill.

Now, then, this clause as amended will read as follows, and I ask you to follow it:

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations, requiring payment of interest on amounts deposited and limiting amount in any one bank bidding in competition for the same, as may be prescribed by the Secretary.

In other words, such regulations, subject to those stated limitations, as may be prescribed by the Secretary.

And now the gentleman from Connecticut says that this has nothing to do with this particular bill and this particular clause. It has everything to do with it. The section of the bill without amendment gives full power and discretion to the Secretary of the Treasury; the amendment prescribes the direction and limit within which that power shall be exercised.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SCOTT. I would like to ask if the Secretary is not now given the power to limit the amount which may be deposited in any one bank?

Mr. WILLIAMS of Mississippi. I do not know whether he is or not. I have never looked into it far enough to know.

Mr. SCOTT. I understand that to be the case.

Mr. WILLIAMS of Mississippi. But if he is, he has never exercised it, and he never will.

Mr. SCOTT. He certainly always has exercised it.

Mr. WILLIAMS of Mississippi. He never has exercised it in the direction of demanding interest.

Mr. SCOTT. No.

Mr. WILLIAMS of Mississippi. And it is perfectly evident to me and to you that unless we adopt some such provision as contained in this amendment there will necessarily be no interest payment required.

Mr. SCOTT. He is exercising that now every time he makes a deposit.

Mr. WILLIAMS of Mississippi. I understand he does as to amount, but this amendment merely limits the amount which



may be given to any one bank in bids, without saying which he might be able to give it all to one bank. I do not suppose he would, of course, but there are some of the banks of this country that are big enough to take all of it, so far as that is concerned, and give good security for it, too.

Mr. NORRIS. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. NORRIS. I want to ask him if under the terms of his amendment the Secretary, in his judgment, would be prohibited from depositing any money in any of these depositories without having competitive bids for the same?

Mr. WILLIAMS of Mississippi. Absolutely.

Mr. NORRIS. I do not understand the amendment that way, I will say to the gentleman.

Mr. WILLIAMS of Mississippi. Yes. Because it says that he shall do it under such rules and regulations regarding the payment of interest on the amount limited to be deposited in any one bank as may be prescribed.

Now, the gentleman from Connecticut says this is "a straightforward business proposition," just as it stands, without the amendment; but all the business, it seems to me, is on the side of the bank, and I want the Government itself to do a little bit of straightforward business.

Mr. NORRIS. Will the gentleman permit another question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. NORRIS. The amount under your amendment is not limited, as I understand it.

Mr. WILLIAMS of Mississippi. It is to be limited by the regulation of the Secretary of the Treasury. We leave it to him to designate the amount that may be deposited in any one bank. Now, I want to do that, because if we go into that we will get into a row as to what the amount shall be; so we leave it to the Secretary.

Now, the gentleman from Connecticut says this system of loaning money to the banks without interest has been carried on for sixty years, under Democratic as well as Republican Administrations. If that proves anything at all, it proves that it is time to stop it; and the fact that this thing went on under a Democratic Administration does not prove anything except that a Democratic Administration did a wrong which, gentlemen will argue, a Republican Administration shall perpetuate.

There is this difference in matters of administration. Down to a comparatively recent date the Government never had any, or at least any big surplus in the Treasury, and it was good government. No government should have any great surplus in the Treasury. It ought to be just like in any business, with as little idle capital as possible, especially when the people must be burdened by taxation in order to supply the surplus.

One of the many things which I think proves the existence of chronic bad government is the fact that the Government has gotten into the habit of having a great and immense surplus in the Treasury. This shows that legislation is more required now than at any other time.

Now, the gentleman urges as an objection to it that he thinks it has not been sufficiently considered. There are men in this world who, whenever you say "bank," or whenever you say "finance," whenever you say "money," whenever you say anything of that sort, think that you have unfolded a great mystery. And yet we find in practical life the men of real good common sense are the men who make money—are the best financiers. There is plenty of common sense in this House to consider this bare and bald proposition that it is better for the Government to lend money at interest than without interest. There is no mystery about this matter at all. It does not require any full-fledged economist or financier to understand it.

Now, as the gentleman from New York suggests, if there were any questions as to a rate of interest here, that is fixed in the amendment by the automatic processes of business. No bank is going to offer a greater rate than that rate at which it can profitably use the money; and if it finds it can not make money at that rate it will soon return to the Treasury the amount deposited.

One object of my amendment is this: The money is now going to the great centers to be used for speculative purposes, to corner markets, and everything else. On October 31, 1903, \$39,000,000 went to New York City and \$42,000,000 to New York State to constitute a fund for speculation in "industrials," etc.; in short, for plain gambling. It ought to be the object of the National Legislature to have the money go to the parts of the country that are developing most rapidly, that are building up with productive enterprise, and not merely gambling in wheat, corn, copper, and stocks; and this would be the effect, in my opinion, of doing that very thing which my amendment requires, because the security being the same, the question of

comparative safety being eliminated, there is nothing left to determine the direction in which the money shall go except the question of comparative rate of interest. It will therefore go to the place of the highest prevailing interest rate.

I thank you, Mr. Chairman.

Mr. NORRIS. Mr. Chairman, I am most heartily in favor of the proposition that interest should be exacted from the banks that have the Government funds on deposit. It seems, however, that the proposition of the gentleman from Mississippi [Mr. WILLIAMS] has some objections that can be avoided by the adoption of an amendment to this section, and I want to read one which I propose to offer, providing that this amendment is not adopted.

I think one of the principal objections to the amendment is that the amendment itself does not provide, as I understand it, for any method by which the different banks may bid in competition for this money.

Mr. WILLIAMS of Mississippi. It does that, however, but not in so many words. It provides that they shall do this under regulations prescribed by the Secretary of the Treasury.

Mr. NORRIS. I understand.

Mr. WILLIAMS of Mississippi. And the Secretary of the Treasury, in my opinion, is better competent to prescribe those regulations than we are.

Mr. NORRIS. That may be possible, but at the same time there would be a great deal of difficulty in this respect. There is another objection, it seems to me, that applies to the amendment of the gentleman from Mississippi [Mr. WILLIAMS], that ought to be avoided if possible, and that is, as I understand it—that is one of the objects of this section—to keep the money in circulation and permit the Secretary of the Treasury to deposit money in distant parts of the country in order that he may check on those deposits and transfer them to some other places.

Now, if you are only going to keep the money for a day, twenty-four hours, two days, or such a matter in a bank, you could not expect them to bid anything. It would not be reasonable that they should. It seems to me that this bidding process is not the best means to reach the difficulty. Now, Mr. Chairman, it seems to me that an amendment which I desire to offer reaches the proposition, and when the proper time comes I desire to move to add, in line 10, after the word "Secretary," the following amendment:

*Provided, That no money shall be deposited in any depository for a period exceeding three months without exacting interest therefor at a rate of not less than 2 per cent per annum.*

Mr. WILLIAMS of Mississippi. That gives the banks three months' use of the money free.

Mr. NORRIS. Yes. I do that on the theory that if the money was going to be deposited for a few days, or for a short time only, it would be practically impossible for the Secretary of the Treasury to put in operation his rules that he might adopt to let the banks bid for this money.

Mr. HITCHCOCK. Mr. Chairman, I should like to ask the gentleman this question: Is it not a fact that the great banks of the East, particularly the banks of New York City, pay constantly to the rest of the banks of the country, particularly to those of the West and Central West, 2 per cent on their balances? And if they can pay that to the other banks of the country maintaining balances in New York, why can they not pay it to the Government of the United States?

Mr. NORRIS. This amendment will require them to pay it.

Mr. HITCHCOCK. Why should they have three months' exemption?

Mr. NORRIS. In answer to my colleague, I will say if you are doing business in the State of Nebraska in a bank, for instance, you can not, as I understand it, open an account in the city of New York with the understanding that the money is going to remain there only three months and get any interest from the New York bank.

Mr. HITCHCOCK. But in this case there is no understanding of that sort.

Mr. NORRIS. They will not do that; but if you leave it there long enough they will.

Mr. COCKRAN of New York. Suppose the banks are willing to pay for a deposit of less than three months. Would you prevent the Secretary of the Treasury from taking the interest payments which they are willing to make?

Mr. NORRIS. No, sir; I would not.

Mr. COCKRAN of New York. Your amendment would.

Mr. NORRIS. If it would I should like to change it, if it were practicable. I confess, however, that it seems to me to be unreasonable to expect interest for a short-time deposit like that, and the amendment of the gentleman from Mississippi would not only be unreasonable, but require an impossibility.



Mr. COCKRAN of New York. If you leave it to the free competition of the banks, you have the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. NORRIS. But before the banks have got through bidding the three months will have expired.

Mr. COCKRAN of New York. During that time your amendment would be operative, then, without being adopted. You would not need it during the first three months, according to you.

Mr. NORRIS. You would have to have some rule, some length of time during which the banks would be allowed to make the bids, and there would have to be some advertisement, some rules or regulations providing some method by which the banks could make those bids and have them considered by the Secretary of the Treasury.

Mr. HUGHES of New Jersey. Would it be possible to have a prevailing rate of interest?

Mr. NORRIS. I do not know about that, as far as the rate of interest is concerned. I do not claim to be infallible on that. It is a very easy matter to change it if the rate of interest is not right.

[Here the hammer fell.]

Mr. SHERLEY. Mr. Chairman, in all of this discussion there has been one fact overlooked, which is brought out by the question that was asked a moment ago: Why is it that the national banks can not pay 2 per cent for the money of the Government when they are willing to pay 2 per cent for other people's money? The answer to that lies in this fact, and it presents the real difficulty in regard to the amendment of the gentleman from Mississippi [Mr. WILLIAMS], that when a bank borrows money from the Government it is required as a condition precedent to have bonds on deposit amounting to the total of the deposit made by the Government. Now those bonds bear usually 2 per cent interest. They now invariably have a price greater than their face value. That makes it follow—and it is a curious problem in mathematics, and I want to say that the gentleman from Connecticut [Mr. HILL] was right, and it is demonstrable—that these communities where the rate of interest is lowest would be able to bid most for Government moneys.

Mr. HILL of Connecticut. That is absolutely true, and it would strip every country bank in the United States of every dollar of its Government deposits.

Mr. SHERLEY. Those communities where the interest rates are highest could pay the least. I am in favor of the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], because, as I understand it, that amendment requires the Secretary of the Treasury to obtain interest on Government deposits, but gives him the discretion to fix the rate and determine the amount that shall be deposited in different localities. Now, if you make a hard and fast rule, like that suggested by the gentleman from New York [Mr. COCKRAN], that the deposit must be made in that bank that offers the most interest, then you will have the condition suggested by the gentleman from Connecticut [Mr. HILL], of having all the banks outside the money centers stripped of deposits and that money congested in New York and other large bank centers.

Mr. WILLIAMS of Mississippi. I think the gentleman is laboring under a misapprehension. My amendment, as well as that offered by the gentleman from Nebraska, involves the idea of competition for the money, although it limits the amount that may be given. If the gentleman will permit me in his time, I want to suggest that the gentleman from Nebraska in his amendment gives the money to the banks for three months free. Under that amendment, of course, banks could keep the money eighty-five days and then send it in and then get it again and keep it another eighty-five days.

Mr. POWERS of Maine. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. SHERLEY. I will yield for a question.

Mr. POWERS of Maine. I thought the gentleman was through.

Mr. SHERLEY. Mr. Chairman, as I understand this amendment, it permits the Secretary of the Treasury some discretion as to where the money shall be deposited. For that reason I am in favor of it. I do not believe any man can justify a system that permits the Government's money to be loaned to these banks free. But if the amendment of the gentleman from Mississippi does not accomplish that reform, certainly this House has a labor ahead of it in that direction that should be speedily undertaken.

In conclusion, I want to say another word. This debate ought to be unnecessary. We are running our Government finances on the wrong plan. Every now and then some man talks about the Government being rich because it has money in

the Treasury. No government ever had money of its own. Every dollar belongs to the people, and it should not have a single dollar more than is necessary for a fair working balance necessary to carry on the business of the Government. [Applause.] What we need to-day is a method to make our revenues absolutely balance our expenditures. And I hope that will be the policy in the future. [Applause.]

Mr. MACON. Mr. Chairman, I received recognition from the Chair a few minutes ago to offer an amendment. At that time the Chair suggested that I wait until after the amendment of the gentleman from Mississippi [Mr. WILLIAMS] had been disposed of. Since hearing the discussion upon the amendment offered by him, I am satisfied that my amendment would be objected to, even by some Members on this side of the House, because it seeks to fix the rate of interest. I seek in the amendment I propose to offer to fix the rate of interest whenever money is deposited in a depository by the Secretary of the Treasury at the rate of 3 per cent per annum. But I favor the amendment offered by the gentleman from Mississippi, in the absence of the adoption of the one I offer, because I think the money of the Government belongs to the people, as the gentleman from Kentucky has well said, and that it should not be deposited by the millions of dollars in the various institutions, known as banks, free of any interest whatever, where the people, the real owners of the money, going to these banks to borrow their own money are charged a large per cent of interest. For instance, take the national banks of New York. If they could get a hundred thousand dollars from the Secretary of the Treasury, as they can under existing law, free of any interest whatever, and a citizen, one of the prime owners of the money, wants to borrow it from the bank he must pay a large rate of interest before he can do so. Therefore, sir, it is unjust to the real and true owners of the money to allow national banks to hold their money without paying interest therefor, and then require them to pay a large rate of interest, sometimes as high as 10 per cent, when they want to borrow it for a short period of time. Therefore, sir, I urge this body, in so far as my humble voice will be permitted to prevail, to call a halt upon the question now, and change the law so that national banks shall be required to pay interest upon the people's money whenever it is deposited in them.

I do not think that any aggregation of capital should enjoy for a moment the special privilege of obtaining money from the Government to use, free of interest, because it happens to be selected as a United States depository. I believe, sir, that the banks ought to stand just as individuals. I believe they ought to have the same right to obtain money on deposit, with a like character of security, that individuals could obtain it upon, and no more.

In other words, Mr. Chairman, I am opposed to special privileges. I do not care when or where they are extended or to whom they are extended. Therefore I submit, gentlemen, without regard to whether we are here as Republicans or Democrats, we ought to meet upon a happy ground and say that we will see to it that henceforth when the banks of this country use the money of the people they shall pay interest therefor. [Applause.]

Mr. WADE. Mr. Chairman, I do not wish to take the time of the House to discuss this matter at any length, especially in view of the fact that no remarks have been made as yet that I have heard which seriously oppose the amendment. I do want to say, however, that out in our State this matter was discussed some years ago. We had there a system by which the State funds were kept in the banks of the State without any interest, and the people, regardless of party, entered their protest against it. Men who were paying 6 and 7 per cent on their loans thought that it was not right that the banks should hold the money which was collected from them by way of taxation, pay no interest therefor, and then perhaps loan it to them in the regular channels of trade. The result was that a law was passed by our legislature, which it is needless to say is usually Republican, requiring a rate of interest to be paid on all State deposits. That represented the sentiment of the people in our State regardless of party. I do not think to-day in the State of Iowa you could find a man who would favor the revocation of that law. It seems to me that with proper limitations and proper securities, which are fair between the banks and the Government, that all the money that is accumulated which is not needed for ordinary expenses of the Government ought to be placed in the banks at interest; whether that be high or low depending on conditions that prevail. I fail to see why it is not a plain business proposition. I do not believe in anything arbitrary, I do not believe in anything that is unjust, but I think a good, fair rate of interest ought to be demanded on every dollar that is taken out of the Treasury and put into the national banks to be loaned out to



men who are engaged in business and from whom interest is collected. I can not see any just reason for the continuance of the system which is prevailing at the present time, under which more than \$100,000,000 is held by the banks without one cent of interest.

Mr. POWERS of Maine. Mr. Chairman, I rise to ask unanimous consent that the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] be again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. POWERS of Maine. Mr. Chairman, now, as I understand it, there is a large amount of money at present deposited in national banks. Is it proposed that the Secretary of the Treasury shall withdraw that money from those banks at once unless those banks will pay interest? And if it is not, when does this amendment propose that he shall withdraw it?

Mr. WILLIAMS of Mississippi. The amendment says, "All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public moneys, under such regulations requiring payment of interest on amounts deposited, limiting the amount to be deposited in any one bank bidding in competition for the same." Now, then, that would put these banks in the attitude of bidding for the deposits which they now retain, except, of course, in so far as there may be some obligation of contract between them and the Treasury. I do not know about that.

Mr. POWERS of Maine. I think so.

Mr. WILLIAMS of Mississippi. Then the Secretary, in his discretion, can call it out.

Mr. POWERS of Maine. Then you do not prescribe in the amendment any time in which he shall make this call for the money?

Mr. WILLIAMS of Mississippi. That is left to him because it is said "Under such regulations as may be prescribed by him."

Mr. POWERS of Maine. Well, I do not understand the amendment; that they were to bid for the payment of interest—

Mr. WILLIAMS of Mississippi. "Under such regulations as may be prescribed" by him, which will leave to him to designate the time at which he would begin and where he would deposit anew, but if the gentleman thinks this is in the slightest degree unclear, then, after we shall have adopted this amendment, I shall have no objection to having the gentleman—or doing it myself, if he wishes it—put in language to say that at a certain date after the passage of the bill the moneys in the national banks on deposit shall be withdrawn unless the banks shall become entitled to them under this provision.

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask a question of the gentleman from Mississippi. Does your limit in any one bank refer to a fixed amount or is it to be prescribed by the capital of the bank or in some other way?

Mr. WILLIAMS of Mississippi. It is to be prescribed under regulations of the Secretary of the Treasury, and he is to prescribe the amount which any one bank may get. Now, he may prescribe a certain number of dollars or he may prescribe a certain percentage of the bank's capital.

Mr. POWERS of Maine. Suppose the banks that have this money now do not pay the percentage that is required to be paid, then the Secretary must withdraw it. And when—

Mr. WILLIAMS of Mississippi. I did not hear the gentleman.

Mr. POWERS of Maine. Suppose the banks which have this money to-day will not pay the amount that the Secretary prescribes, then he must withdraw it from circulation.

Mr. WILLIAMS of Mississippi. Yes; but if you think it better to fix a time at which to do it I will do that, or he can do it under the amendment as it stands; but I can state that the gentleman does not need to be in the slightest degree alarmed.

Mr. POWERS of Maine. I am not alarmed.

Mr. WILLIAMS of Mississippi. They will pay; they will pay something in the way of interest to keep the money.

Mr. POWERS of Maine. Has he considered what effect it might have upon the business of the country to have that money withdrawn from circulation?

Mr. WILLIAMS of Mississippi. Why, if all that money was withdrawn at once I suppose it would cause a banker's panic, but I do not presume for one moment that the banks would refuse to pay interest upon it, and if they did refuse to pay upon it then it would be because it did not pay the banks to pay any interest and if that was true of the banks which now have it it would be true of all the other banks in the country and in that event the highest bid to the Treasury would be nothing and it would stand where it is. Besides that, if a

bank surrendered its deposits rather than bid, it would get back its bonds now deposited—

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. POWERS of Maine. I ask for a few minutes more. I did not think I had consumed five minutes.

The CHAIRMAN. The gentleman from Maine asks that he may continue for five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. POWERS of Maine. I do not wish the gentleman from Mississippi to understand me as being opposed to the proposition that banks should pay interest on Government deposits. I have always believed that except as to certain quick accounts there should be interest paid, especially if they remain a long time and reasonable notice of withdrawal is given and were deposited with this understanding as to time and notice.

My objection to his amendment, if I have any, is this: That instead of regulating this matter of such great moment by an amendment injected here in the bill in a section which was intended simply to unlock money, and which commends itself, I believe, to the judgment of the gentleman from New York, as it did to myself, it should be in a separate bill, carefully considered by the appropriate committee. This amendment may make a radical change in what has been for many years the practice and policy of the Government. An amendment affecting, as it might, the business of the country should be carefully considered and should have such safeguards that the withdrawal of large sums now in the banks of the country would not seriously disturb the monetary interests of the country, and I doubt it very much if the gentleman's amendment covered all these details.

Mr. WILLIAMS of Mississippi. Why, the amendment leaves it to the Secretary of the Treasury himself to prescribe the regulations. But I would be perfectly willing, and I state it now before the House, to withdraw the amendment and to have a separate bill brought in if the gentleman can assure me that the Committee on Banking and Currency will consider and favorably report one.

Mr. POWERS of Maine. I can only say in reply to that, that the gentleman from Maine is not chairman of that committee and that he is not one of those who control legislation very especially in this House.

Mr. WILLIAMS of Mississippi. I have such utter confidence in his absolute sincerity that if the gentleman from Vermont will tell me the Committee on Banking and Currency will do that thing I will withdraw this amendment.

Mr. POWERS of Maine. I have not the honor of representing or coming from Vermont; I am from Maine, and I will say this, that whenever any such bill is presented or referred to the Committee on Banking and Currency—and I have never seen one since I had the honor of being a member of that committee—I will carefully consider it; and I will state further to the gentleman from Mississippi, as far as my individual views are concerned, I am confident shall favor such legislation as shall seem wise and just to all interested.

Mr. WILLIAMS of Mississippi. The gentleman is mistaken about that. I introduced such a bill and it is before the committee.

Mr. POWERS of Maine. It is not before the Committee on Banking and Currency; it certainly has not been called to my attention if it is there.

Mr. WILLIAMS of Mississippi. A gentleman here tells me it was in some manner referred by the Speaker to the Committee on Ways and Means, after I had indorsed on it a reference to the Committee on Banking and Currency. I got a vote in the Committee of Ways and Means, but did not get it through. I called up all my bills in that committee.

Mr. POWERS of Maine. Are you not a member of the Committee on Ways and Means?

Mr. WILLIAMS of Mississippi. I am; but I am a minority member, and about the smallest minority you ever saw.

Mr. POWERS of Maine. I assume there is much in what the gentleman says, and perhaps that minority has been even growing a little smaller.

Mr. WILLIAMS of Mississippi. I think it has, much to my regret.

Mr. DANIELS. Mr. Chairman, now in regard to the interest proposition now under discussion: To my mind it has no place in this bill, but I would like to ask some gentleman on the other side a question when they make a statement that it is a business proposition to draw interest on money deposited in any bank. The gentleman from New York [Mr. COCKRAN] said if he should deposit a large sum of money in a national bank he would expect and would draw interest on the amount. Now, then, the condition under which I or any man here would deposit money



in a national bank or any other bank would simply be an individual proposition. There would be no special guaranty as to the payment of that fund back with the interest. Now, where the Government deposits money the bank is designated as a depository, and in order to be recognized as such the first thing they have to do is to go into the market and buy United States Government bonds. These bonds as a rule only draw 2 per cent, and they have been at a premium of as much as 8 and 10 per cent.

No man here who has had anything to do with banking believes that a 2 per cent Government bond is worth any premium whatever; and it would never have been at a premium if it had not been that the national banks had to buy them to secure United States funds. Now, then, if this proposition prevails every national bank in the country outside of the great financial centers would be deprived of the money. The little bank in the town in California where I live paid 9 per cent premium for the 2 per cent bonds in order that they might have \$100,000 of Government money deposited in that bank. Now, gentlemen, if they have to pay interest they never could afford to pay interest on the money and pay premium for the 2 per cent Government bonds. If the Government should issue their bonds to build the canal at 2 per cent they could never be floated if it were not for the banks being compelled to buy these bonds in order to secure the Government money.

It has been said that this bill provides for the repeal of the manner in which the moneys collected for customs receipts has been handled for years. Is there any reason why that money collected for customs duties is any better, any cleaner, any more valuable than that collected from any other source? Why should not that be deposited the same as any other funds? My friend here has said that if he had his way there would be no surplus above the ordinary expenses of running this Government to deposit in the national banks.

Mr. HILL of Connecticut. Except the regular working balance.

Mr. DANIELS. Except the regular working balance. I say that can be relieved without any legislation. Turn the financial affairs of this Government over to the Democratic party and there will be no surplus in the Treasury. [Laughter.]

Mr. HILL of Connecticut. One word before the vote is taken on the amendment, if I may be pardoned.

In 1836 the policy of paying interest to the Government was adopted. And in 1836 the practice of the Government—the unfortunate practice of the Government—was to charge up bad debts in consequence thereof, and that continued during the years down to 1866, when Government bonds were required as security for deposits. If the gentleman will look at the reports of the Treasurer of the United States, he will find almost every year from 1836, when the practice was begun of making deposits in banks and charging interest upon it, losses began to be incurred. It went right straight through. Now, this question has been raised—

Mr. WILLIAMS of Mississippi. If the gentleman will permit me.

Mr. HILL of Connecticut. Certainly.

Mr. WILLIAMS of Mississippi. If the gentleman will permit for a moment that this present system of depositing Government bonds by national banks, bought at a premium, is to be compared with the system of depositing at that time when these losses were incurred?

Mr. HILL of Connecticut. No; I do not, because the deposits were secured then by miscellaneous bonds or personal security, and what I am afraid of is if a new policy is adopted now of loaning out the deposits of the Government it will ultimately result in either no security at all or else in the acceptance of miscellaneous security.

Mr. WILLIAMS of Mississippi. We can take care of that when we get to it.

Mr. HILL of Connecticut. The gentleman shakes his head and says "No." Very well; I accept that proposition, and will now put to him the other alternative, that it is impossible for a bank that does not receive the deposits of other banks or get money at 1½ or 2 per cent in that same way, as the reserve banks of the country do, to take these funds at 3, 4, 5, 6, 7, or 10 per cent and invest them in a low-rate Government bond, which he says he will insist upon having.

Mr. WILLIAMS of Mississippi. The law so states it; I do not.

Mr. HILL of Connecticut. I understand that; but I understand he agrees to its continuance. It is impossible for such a bank to hold a Government deposit and pay interest on it, except at a loss. The gentleman smiles.

Mr. WILLIAMS of Mississippi. Sometimes I look ugly, and it resembles a smile. [Laughter.] I was going to say this:

That is the case; and if a bank can't pay it, it will not offer to pay it.

Mr. HILL of Connecticut. Exactly. That is just the point I am coming to, confirmed by the statement of the gentleman from Mississippi [Mr. WILLIAMS]—that the country banks will not want it, but that a 1½ or a 2 per cent money market will want it, and can pay for it, and can afford to do so under your secured system, and that every dollar of deposits now scattered from Maine to California will ultimately center, under the gentleman's proposition, in the 1½ and 2 per cent money markets.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HILL of Connecticut. Certainly.

Mr. SHERLEY. Do you believe that in money markets where 1½ and 2 per cent money can be had that this deposit can be made and interest paid so as to give profit to a bank?

Mr. HILL of Connecticut. I think it is possible that at 3 or 4 or 6 per cent, by taking a Government deposit, and putting up Government bonds, they can pay interest on it and make a profit, but the lower rate money markets could outbid them.

Mr. SHERLEY. Would you need mathematics to show that you could do it at 4 per cent, with the bonds at the price they are now?

Mr. HILL of Connecticut. It will be utterly impossible to have banks in the higher rate sections to compete with the banks in the low rate call money markets. Government security with interest means the concentration of the Government funds in the—well, I won't say that, but it is pretty close to Wall street.

Mr. PERKINS. It is pretty close to Wall street?

Mr. HILL of Connecticut. Yes; but I will not say that, but will say, in the call money market, wherever it may be. As a demonstration of that fact we had a protest against that two or three years ago from a western community, where every bank in the community protested on the ground that they would lose all their deposits. Of course it was mathematically certain that they would lose them—

Mr. WARNER. Did the gentleman ever have a suspicion that where the Government allows a bank to use its money without paying interest on the deposit of Government bonds drawing 2 per cent, the Government was paying that bank 2 per cent per annum for holding its deposits? When the banker goes and buys a hundred thousand dollars of Government bonds, and deposits them, and draws 2 per cent on them, and immediately has the Government deposit of \$100,000, the amount of its bonds, has it not occurred to the gentleman that the Government is paying the banker 2 per cent interest every year?

Mr. HILL of Connecticut. No; it is not, according to the gentleman, doing any such thing.

Mr. WARNER. It pays back the money to the bank, so that the bank is out nothing.

Mr. HILL of Connecticut. In the first place, the bank that puts up the bonds has got to pay now a premium of 4½ per cent besides putting 4, 6, or 10 per cent money into a 2 per cent bond investment.

Mr. WARNER. And can sell out for the same amount to anyone else, if they want to unload.

Mr. HILL of Connecticut. In the second place, if the law is carried out, they will have to hold a reserve, if they are in the city, of 25 per cent, and if they are in the country, a reserve of 15 per cent, on which they can get no interest, because they can not loan it out, and I have a suspicion that the Government is not paying the bank anything for taking the money.

Now, do not make any mistake in regard to my position about this amendment. If you are going to vote to pay interest on loans secured by Government bonds, then I have no serious objection to the language of that amendment. I say as a banker myself, with a very limited experience, that I think you will make a mistake to require Government bond security supplemented by an arbitrary interest rate, because, in my opinion, you will strip the rural sections of the country of the Government deposits; and, if I am not mistaken, the experience in moving the crops for the last two years in this country has demonstrated the wisdom of Government deposits, abundantly secured, absolutely secured beyond question—has demonstrated the wisdom of the distribution of those deposits broadcast throughout the country, rather than to concentrate them in the low-rate call-money market. If you want to vote for interest, if you want to vote to take these deposits from the country banks and concentrate them in the call-money markets, this is a good way to do it. I have no criticism to make upon the language. I am not at all sure that I am myself personally opposed to that result. I would be if I lived west of the Ohio River, and I would not be if I considered solely the first profit to the Treasury and overlooked the welfare of all sections of the country. I believe it is an unwise move, but I am glad it



is being discussed as a nonpartisan proposition, and I hope the rest of the bill will be considered in the same way.

Mr. COCKRAN of New York. Mr. Chairman, let me ask the gentleman from Connecticut, does he mean to take the position before this House that the payment of interest on Government deposits would be unsound financially?

Mr. HILL of Connecticut. I mean to take this position, that the payment of interest on Government deposits, if it was going to result in producing unfortunate conditions for the country as a whole, would be unsound finance.

Mr. COCKRAN of New York. That is a most profound truth. [Laughter on the Democratic side.] After that luminous contribution to this debate I must repeat the question.

Mr. HILL of Connecticut. The gentleman will give me the credit for simply trying to distinguish between the Treasury Department and the country at large. I am simply making a mathematical—

Mr. COCKRAN of New York. Will you explain the distinction? I confess I do not understand it.

Mr. HILL of Connecticut. I have stated it.

Mr. COCKRAN of New York. I want to know where the gentleman finds any justification for treating funds owned by the Treasury Department differently from funds owned by anybody else, so far as their operation in the channels of trade is concerned. I want to know where the distinction is, and where the justification is, because I confess that I am somewhat mystified, not only by the gentleman's last answer, but by all the rest of his splendid rhetoric.

Mr. HILL of Connecticut. I do not think it is the highest function of government to collect interest. I do not think it is the highest function of government to loan money. Personally, I am sorry that there is any surplus to loan. What I think we ought to do is to have as nearly as possible an equilibrium between receipts and expenditures; but if we have a surplus, and some disposition is to be made of it, I would treat it as a business proposition.

Mr. COCKRAN of New York. As a business proposition?

Mr. HILL of Connecticut. Certainly.

Mr. COCKRAN of New York. Is there a single owner of extensive funds in the United States to-day who maintains large balances in any institution who does not insist upon interest?

Mr. HILL of Connecticut. Why, there is all the difference in the world.

Mr. COCKRAN of New York. I have not discovered the difference since my friend came down the aisle.

Mr. HILL of Connecticut. All the difference in the world. The private depositor does not require bond security for his deposit in a national bank. One bank does not require security of another bank. That is the distinction that makes it impossible to do it.

Mr. COCKRAN of New York. Impossible to do what?

Mr. HILL of Connecticut. Impossible for the bank to pay a fixed rate of interest to the Treasury, with varying rates of interest in different sections of the country.

Mr. COCKRAN of New York. Why should the funds of a government be in any way different from the funds of any other owner?

Mr. HILL of Connecticut. I have demonstrated that in the discussion here with the gentleman from Kentucky [Mr. SHERLEY] a few days ago. It takes a mathematical calculation to show it. I think there are a sufficient number of gentlemen in the House who will accept the statement that a low-rate Government bond security, supplemented by an interest charge, will withdraw the money from the country banks and put it in the low-rate money market.

Mr. COCKRAN of New York. I repeat the question again. Granting that there must be additional security, how do the funds proceeding from the Government differ from the funds coming from anybody else? Why should there be a different rule governing their deposit?

Mr. HILL of Connecticut. They require a specific form of security.

Mr. COCKRAN of New York. Then I will ask the gentleman this to get away from the evasion. Will the gentleman state now, to the House, on the faith of his duty as a Representative to the people, as a Member of this Congress and a banker, that he believes that it is unsound finance to ask this interest on the Government deposits, interest not fixed arbitrarily, but fixed by the banks themselves?

Mr. HILL of Connecticut. I think it would be unsound to require interest on a specific form of security that makes it impossible for the public generally to share in the proposed disposition of the funds. Any proposition that would confine it to specific localities makes it unfair.

Mr. COCKRAN of New York. I do not want any "ifs" about

it. The gentleman puts in an "if" which makes me uncertain as to the ground I am standing upon.

Mr. HILL of Connecticut. I have no doubt about that. [Laughter.]

Mr. COCKRAN of New York. Let me ask the gentleman from Connecticut what did he mean by stating that this proposition if it came in separately would be a proposition of merit, but that he does not want it injected into this discussion?

Mr. HILL of Connecticut. The gentleman from New York misunderstood me. I said the proposal was of so much importance that it ought to be before the Committee on Banking and Currency and be considered by that committee. I am not a member of the Committee on Banking and Currency. I think it should go before that committee and be thoroughly and fully considered.

Mr. COCKRAN of New York. I understood the gentleman to state before the House, or before the Committee of the Whole, that in his judgment a law that the banks should compete among themselves as to whether they could afford to pay interest on these deposits, under conditions to be regulated by the Secretary of the Treasury, would be unsound finance?

Mr. HILL of Connecticut. I think the proposition to pay interest with a specific form of security—

Mr. COCKRAN of New York. Under the existing conditions the gentleman from Connecticut thinks it would be unsound finance?

Mr. HILL of Connecticut. I think it would be.

Mr. SHERLEY. Would the gentleman be willing to have this bill recommitted so that the committee can consider it?

Mr. HILL of Connecticut. I would be willing to have the amendment withdrawn and sent back as a separate proposition, to be considered on its merits.

Mr. SHERLEY. No; but considered in connection with the bill.

Mr. HILL of Connecticut. I do not think it belongs in the bill. I do not think it should be a part of the bill.

Mr. ADAMS of Pennsylvania. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] has pressed home very hard the question of what the difference is between the money belonging to an individual and the money belonging to the Government. I think there is all the difference in the world. A man who owns money holds it for the purpose of making more money and keeping it engaged in active business. The Government of the United States, with whatever money happens to be in its possession, holds it for no such purpose whatever. It has been accumulated, sometimes accidentally, because the revenues of the Government happen to exceed the expenses. That money, under the laws of the country, is kept in circulation in order to oil and keep in motion the wheels of business, and the first duty and function of the Government is to see that no action on its part should in any way interfere or embarrass the commercial and credit relations of our country. It is for this reason that when the revenues happen to exceed the expenditures of the Government and there is a surplus if that money were allowed to lie locked in the Treasury of the United States business would be seriously embarrassed. Therefore it is for that reason and with no view of making money or profit out of the funds of the people, of which the Government is the custodian, that it deposits that money in the banks of the country at large.

As I say, if it did not do so the circulating medium of our country would be contracted, and therefore it is a very serious proposition whether any action should be taken to force the Government into a line of action that might contract the currency and thereby embarrass the circulating medium of the country. It is not for the reason of making money. That is the difference between the money of an individual and the money of the Government of the United States. One is owned and used for profit. The other is not owned and used for profit. The money is held for the uses of the country. There is no reason why the Government should embarrass the commercial relations of the country by taking any step in order to make a small profit on these deposits which may lead to such serious results that it would embarrass the business of the whole country. The money of the Government is not held for profit, and the functions of the Government are not to make money on the funds of the people, but the function is to keep the circulating medium in motion throughout the country, in order that business may not be embarrassed in any way.

Mr. COCKRAN of New York. The gentleman says that the function of government ought not to be to make a profit on its money.

Mr. ADAMS of Pennsylvania. I do.

Mr. COCKRAN of New York. Then why should we allow the

banks to make a larger profit on it than they are willing to make by open competition between themselves?

Mr. ADAMS of Pennsylvania. We do not put the money in the banks for the purpose of the banks making a profit.

Mr. COCKRAN of New York. But they do make a profit.

Mr. ADAMS of Pennsylvania. That may be. We put the money in the banks for the purpose of not contracting the currency.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that contracting the currency ever hurt anybody in the world?

Mr. ADAMS of Pennsylvania. I do; most assuredly.

Mr. WILLIAMS of Mississippi. The gentleman does?

Mr. ADAMS of Pennsylvania. I do; and I will say in answer to the gentleman from New York [Mr. COCKRAN] that the very object of the first section of this bill which we are now discussing is because in times of stringency, when we had banks that were hampering the progress of the country, this money was locked up in the Treasury, and when the country appealed to the Secretary to release it he said he could not do it because the revenues received in the Treasury from customs duties could not be released. The gentleman is answered by that very fact, and the object of this section of the bill is to enable the Secretary of the Treasury to deposit the customs receipts in order that stringency may be relieved in times of panic.

Mr. COCKRAN of New York. I would ask the gentleman how a contraction of the currency would be promoted if the banks paid interest on the money deposited? Would not the funds be just as available in commerce if the banks paid interest on them as though they did not?

Mr. ADAMS of Pennsylvania. It has been shown by the gentleman from Connecticut [Mr. HILL] that the banks in purchasing the bonds at the premium at which they are bought can not afford to pay interest.

Mr. COCKRAN of New York. They can decide that for themselves.

Mr. ADAMS of Pennsylvania. They can not decide that for themselves.

Mr. COCKRAN of New York. Oh, the gentleman will decide that for them?

Mr. WILLIAMS of Mississippi. They do not have to pay it if they can not pay it, and they do not have to bid for it if they can not bid, but if they do not give anything at all, they keep it without anything.

Mr. ADAMS of Pennsylvania. As I understand the gentleman's amendment, he insists that they must pay interest.

Mr. WILLIAMS of Mississippi. It must go to the one who bids the highest rate of interest. Accordingly, if all of them bid nothing, they are paying nothing.

Mr. ADAMS of Pennsylvania. But you say it must be paid. As I understand your amendment, you say some interest must be paid.

Mr. COCKRAN of New York. And that is done by competition.

Mr. ADAMS of Pennsylvania. Then I think it harmless. [Laughter on the Democratic side.]

Mr. HEMENWAY. I would like to ask the gentleman from Mississippi—I understand the amendment offered is by the gentleman from Mississippi—if his proposition is that the bank paying the highest interest rate shall have the money?

Mr. WILLIAMS of Mississippi. The banks in the order of their bids. Of course there would be the highest, which would get the amount fixed by the Secretary of the Treasury that should go to any one bank, and the next highest would get a like amount, and the next highest a like amount, and—

Mr. HEMENWAY. I want to ask the gentleman if his plan would not result in taking the Government's deposits almost altogether to the city of New York and the great cities of the country? The banks in the rural districts do not have the Government bonds to deposit as surety, while the money centers, where the great banks and trust companies are interwoven with each other, have the Government bonds to secure loans and would have all the advantage of the banks in the Central and Southern States.

Mr. WILLIAMS of Mississippi. They all have to buy the bonds first or last. In my opinion it would result exactly in the opposite way. Instead of the money going there—i. e., to the centers, as it does now, and I say that notwithstanding the sardonic and statuesque laughter of the gentleman from Connecticut—I say that those parts of the country where the banks can use the money to the best advantage and at the highest rate of interest would be the parts of the country where the banks would make the highest bids of interest for the Government's money. The gentleman from Connecticut, who is a financier and I am not, contends, however, that those parts of the country where the banks are able to get the least profits upon their

money, or the least rate of interest, are the parts of the country that necessarily could bid the highest. Now, we are just at antipodes upon that proposition, and I give the gentleman from Indiana both theories.

Mr. HEMENWAY. Now, if the gentleman will permit, I desire to put another question. I believe I have heard the gentleman himself make the statement, if not I have heard it from many Members from that side of the House, and especially I heard it at New Orleans some time back, that the South no longer had to ask New York for money with which to move the crops. I find in going over this list of the money deposited that a large amount of the Government's surplus funds is deposited in the Southern States, and I understand that they did not have to call upon New York for money to move their crops during the last season.

Mr. WILLIAMS of Mississippi. Not to the same extent.

Mr. HEMENWAY. I know that from the Central States, where large sums of Government money are deposited, we move our crops without calling upon New York for money, and I know that was generally done through the South and the Central and Western States. Now, I can understand why a gentleman representing the State of New York does not like that condition of affairs and would like to have the country again go to New York for money with which to move the crops. I put this proposition: Is it not better that the Government, when it has a surplus, to so distribute the surplus as to benefit the people and furnish cheap money with which to move their crops than to try to secure 2, 3, or 4 per cent with it from New York banks or Philadelphia banks or Chicago banks, and make the people of the country go to those banks, as they did in times gone by, to get the money to move their crops with? And I say to the gentleman in seeking to hit the banks he will hit the people in the Southern and Central States and in the West a good deal harder lick than he will hit the banks if he undertakes by his amendment to change this condition of affairs.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Mississippi is not "trying to hit the banks." That is the first proposition. The gentleman from Mississippi, if he knows himself, never tries to hit anyone unless whoever it was had first struck or attempted to strike the gentleman from Mississippi, or looked like he was going to do it. What the gentleman from Mississippi is trying to do is to help the Government, and through the Government and back of the Government to help the people.

Mr. HEMENWAY. The people are the Government.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. The people were never the Government and the people never will be the Government, outside of a little township, as in ancient Greece, perhaps. Unfortunately for the people, the Government in this country is composed of a certain number of politicians in one House and a certain number in another, and, no matter what party is in power, another at the opposite end of the Avenue to preside over them in a general way.

The money that goes into the Treasury is the money of the people, and I want it to benefit them. Now, the trouble as to the gentleman's question is that he assumed something which I do not admit. He assumes that if this amendment goes into operation that the depositories getting the money upon competition of interest bids will be in New York and in the great money centers. The gentleman knows this country well enough to know that if that were true, and if this could be worked to benefit those centers, that those bankers would have had their lobbyists here long ago working for exactly this sort of legislation. [Applause on the Democratic side.] The very fact that they are opposed to the position taken by me and agree with the gentleman is proof positive of the fact that the gentleman is mistaken. The fact that New York in November, 1903, got thirty-nine millions of deposits under the present system exposes the fallacy of his contention. Let me tell the gentleman something. I do not believe for one moment that the bank in my little town, which can use money with its customers upon gilt-edge security at 8 or 10 per cent, building up the magnificent new growth which has taken place all over the southern country, could not outbid any bank in the Northeast that can not use its money among the people there for over 4 or 5 per cent. Gentlemen can figure until gentlemen are dizzy in the head, and if they seem to establish the opposite by figures, they would only establish the fact that their figures do not tell the truth. I say that you know where this money will go. The security being the same everywhere, it will go to whoever will bid most for it, and they will be those who can use most of it at a profit; and they are the banks that do business in communities of high interest.

Mr. HEMENWAY. The gentleman forgets that towns like his and other rural points do not have the Government bonds to offer as security, and for that reason would not have a fair



chance in the bidding. As I was saying, the South has had some experience in the last few years. I heard down in the city of New Orleans a short time ago gentlemen getting up and boasting that they had not been obliged to go to New York to get money to move their crops. I find they have about \$700,000 of the Government money deposited in Louisiana. I find in Arkansas there is a large amount of the Government money deposited, and through the Central States and the Western States a large amount of Government money is deposited; and now for the first time in our history—

Mr. WILLIAMS of Mississippi. You do not think I am afraid it will help the South—the South can not be helped or hurt without helping or hurting me.

Mr. HEMENWAY. You gentlemen of the South and you gentlemen of the Western States know that for the first time in our history we have been able to move our crops without going to New York for money. Now, then, here is an effort to put the Government into the money-lending business, into the brokerage business, and saying: "Here we are; we put up our money and say come and bid, and the highest bidder gets it." Do gentlemen think that that is a proper function for our Government?

Our surplus money in the Treasury ought to be used to the best interest of the people of the United States, and if we can help the people of the South by sending a little of the money South without having them to go to New York for money, or if we can send money to the Central States and enable them to move their crops without sending to New York for money, why not do it? It is a great deal better for the Government to help the people that way than to go into the brokerage business and hang out three gilt balls and say: "Come on here, the highest bidder gets the money of the Treasury of the United States."

Mr. WILLIAMS of Mississippi. Does the gentleman seriously contend that the South has been able to move its cotton principally, or in any measure to be considered, by the use of the money in the national-bank depositories?

Mr. HEMENWAY. To a great extent.

Mr. WILLIAMS of Mississippi. Why was it not to a greater extent the money deposited from other people? That amount of money that the gentleman states—\$700,000 in Louisiana—would not handle the southern cotton crop for two days.

Mr. HEMENWAY. That is only in one State.

Mr. WILLIAMS of Mississippi. It would not handle the cotton crop for two days in any single State of the southern territory.

Mr. HEMENWAY. But there are a number of Southern States that have depositories.

Mr. WILLIAMS of Mississippi. Does the gentleman seriously contend that the prosperity which has enabled the South to make money and handle its own crops is due to this system?

Mr. HEMENWAY. What I was saying was that we ought not to go into this brokerage business—hanging out three balls—indicating that we are going out into the money-lending business.

Mr. WILLIAMS of Mississippi. Does the gentleman mean to say that we are not already in the money-lending business, except that we loan now without interest?

Mr. HEMENWAY. The money under this system is so placed that when the Government needs it it can be withdrawn, and it has gradually been withdrawn. It is placed in such a way that the people can get it. As gentlemen know, we are not going to have a great deal of surplus to loan out in this or other ways. [Laughter on the Democratic side.] Gentlemen laugh; under your Administration we were never compelled to discuss a surplus. The gentleman seems anxious, without consideration of a committee, to put an amendment on here that has not been favorably reported by any committee of the House—

Mr. WILLIAMS of Mississippi. And never will be.

Mr. HEMENWAY. Will change a system that has been a profit to the people of the United States. The people have profited, not only by the business management upon the part of the Treasury Department, but have profited by the policies of the Republican party.

Mr. WILLIAMS of Mississippi. The gentleman's proposition is that I am trying to break down my own prosperity. Let it stand that.

Mr. ROBINSON of Arkansas. I would like to ask the gentleman from Indiana one question.

Mr. HEMENWAY. All right, go ahead.

Mr. ROBINSON of Arkansas. If I have understood you correctly, you have stated that the Southern and Central States are peculiarly the beneficiaries of this system of depositories.

Mr. HEMENWAY. Oh, no; we are getting it in about equal proportions all over the country.

Mr. ROBINSON of Arkansas. At least you have assumed that the rich prosperity which exists in those sections is due somewhat to this system.

Mr. HEMENWAY. Somewhat; yes.

Mr. ROBINSON of Arkansas. Now, I will ask you to state in that connection the amount of money at present on deposit in those depositories in the State of Arkansas, inasmuch as you have referred to that State as peculiarly in that list of beneficiaries.

Mr. HEMENWAY. Arkansas seems to have \$100,000. [Laughter on the Democratic side.]

Mr. ROBINSON of Arkansas. Will the gentleman state, in the same connection, the amount now on deposit in the State of New York?

Mr. HEMENWAY. New York seems to have \$30,000,000, and she will have it all if we have this bidding system.

Mr. ROBINSON of Arkansas. Will the gentleman now state, in this connection, how it is that Arkansas is peculiarly the beneficiary of the present system of depositories?

Mr. HEMENWAY. I should say to the gentleman that Arkansas has been very negligent in looking after her interests or she would have had more of these deposits.

Mr. ROBINSON of Arkansas. Will the gentleman yield for a further question?

Mr. HEMENWAY. Certainly I will.

Mr. ROBINSON of Arkansas. Will the gentleman state in what particular the State of Arkansas has been negligent in looking after her interests?

Mr. HEMENWAY. Why, in not asking for these deposits.

Mr. ROBINSON of Arkansas. Will the gentleman state that it has been the practice of the Government to make these deposits impartially heretofore?

Mr. HEMENWAY. Absolutely so, I understand, giving the advantage to the small banks, where they made application.

Mr. ROBINSON of Arkansas. Does the gentleman state that that system has been pursued in the State of Arkansas and in Louisiana, and other Southwestern States.

Mr. HEMENWAY. Of course I have not the record as to Arkansas, but I know, in the States that have made their applications, that the smaller banks have at all times been favored, so the Secretary of the Treasury informs me.

Mr. COCKRAN of New York. Why, clearly, the small banks are in New York and the large ones in Arkansas! Nothing can be clearer than that. [Laughter on the Democratic side.]

Mr. HEMENWAY. The gentleman from New York comes in always with his keen wit; but the gentleman from New York is behind this proposition and supporting it vigorously, evidently anxious that his banks shall pay this interest, and knowing that if this amendment passes his New York banks would get these deposits that are now scattered throughout the country.

Mr. COCKRAN of New York. As the gentleman has appealed to me—

Mr. HULL. Mr. Chairman, if the gentleman will allow me—

Mr. COCKRAN of New York. If the gentleman will kindly allow me to finish my sentence, I will say that I do not believe there is a banker in New York bursting with anxiety to pay interest on these deposits. If there is such a person, he has carefully concealed his identity from my knowledge, and I do not believe there is living to-day a person who has discovered him, except the gentleman from Indiana.

Mr. HULL. My question should have come in a few minutes ago—

Mr. HEMENWAY. And the gentleman from New York well knows that if the city banks could take from the country banks the Government deposits by paying a small rate of interest that they would loan the same money back to the country banks at a higher rate in interest and profit largely by the transaction, and that the country banks would again be compelled to borrow from New York.

Mr. HILL of Connecticut. Mr. Chairman, I move that the committee do now rise.

Mr. HULL. I simply wanted to ask a question.

The CHAIRMAN. The gentleman from Connecticut moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. COCKRAN of New York) there were—ayes 93, noes 92.

Mr. WILLIAMS of Mississippi demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. HILL of Connecticut and Mr. COCKRAN of New York.

The committee again divided; and the tellers reported—ayes 111, noes 105.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4831) to improve currency conditions, and had come to no resolution thereon.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month; and

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 3414. An act granting an increase of pension to Henry Wheeler;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3640. An act granting an increase of pension to John S. Stevens;

S. 3329. An act granting a pension to Mary E. Strong;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 2893. An act granting an increase of pension to Emanuel Morter;

S. 3033. An act granting an increase of pension to Charles B. Williams; and

S. 2745. An act granting an increase of pension to Thomas Howard.

## IMPEACHMENT OF JUDGE SWAYNE.

The SPEAKER laid before the House the following resolution, which was ordered to lie on the table:

IN THE SENATE OF THE UNITED STATES,  
December 15, 1904.

Whereas the House of Representatives on the 14th day of December, 1904, by five of its Members, Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLET of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, at the bar of the Senate impeached Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore,

Ordered, That the Senate will, according to its standing rules and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

Attest:

CHARLES C. BENNETT, Secretary.

## BRITISH STEAMSHIP LINDISFARNE.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Claims, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report by the Secretary of State, resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to \$158.11, for demurrage to that vessel while undergoing repairs necessitated through a collision with the U. S. armored transport *Crook* in New York Harbor on May 23, 1900.

WHITE HOUSE, December 15, 1904.

THEODORE ROOSEVELT.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5512. An act granting an increase of pension to John W. Carleton—to the Committee on Invalid Pensions.

S. 1996. An act granting an increase of pension to William R. Williams—to the Committee on Invalid Pensions.

S. 2212. An act granting an increase of pension to Charles N. Wood—to the Committee on Invalid Pensions.

S. 5514. An act granting an increase of pension to Samuel S. Lamson—to the Committee on Invalid Pensions.

S. 1539. An act granting an increase of pension to Edward Shiflett—to the Committee on Invalid Pensions.

S. 4767. An act granting an increase of pension to Henry Snidemiller—to the Committee on Invalid Pensions.

S. 3906. An act granting an increase of pension to James H. V. Voldo, alias James H. Venier—to the Committee on Invalid Pensions.

S. 424. An act granting a pension to George W. Lehman—to the Committee on Invalid Pensions.

S. 5859. An act granting an increase of pension to Henry Breslin—to the Committee on Invalid Pensions.

S. 5735. An act granting an increase of pension to Washington Lenhart—to the Committee on Invalid Pensions.

S. 5744. An act granting an increase of pension to Joseph A. Rhodes—to the Committee on Invalid Pensions.

S. 5743. An act granting an increase of pension to James Riordan—to the Committee on Invalid Pensions.

S. 5742. An act granting an increase of pension to Nichles Dockendorf—to the Committee on Invalid Pensions.

S. 5737. An act granting an increase of pension to John W. See—to the Committee on Invalid Pensions.

S. 5733. An act granting an increase of pension to Monroe Wright—to the Committee on Invalid Pensions.

S. 5858. An act granting an increase of pension to John Hubbard—to the Committee on Invalid Pensions.

S. 5857. An act granting an increase of pension to James Bryson—to the Committee on Invalid Pensions.

S. 5734. An act granting an increase of pension to George H. Woodbury—to the Committee on Invalid Pensions.

S. 5745. An act granting an increase of pension to Mary M. Mitchell—to the Committee on Invalid Pensions.

S. 5736. An act granting an increase of pension to Charles E. Gilbert—to the Committee on Invalid Pensions.

S. 5746. An act granting an increase of pension to Anne Jones—to the Committee on Invalid Pensions.

S. 5450. An act granting an increase of pension to George R. Lingenfelter—to the Committee on Invalid Pensions.

S. 2287. An act granting an increase of pension to S. J. Brainard—to the Committee on Invalid Pensions.

S. 5531. An act granting an increase of pension to Catherine Jones—to the Committee on Invalid Pensions.

S. 5501. An act granting an increase of pension to Sarah A. Rowe—to the Committee on Invalid Pensions.

S. 4002. An act granting an increase of pension to Susan E. Armitage—to the Committee on Invalid Pensions.

S. 3390. An act granting a pension to Emily E. Cram—to the Committee on Invalid Pensions.

S. 5379. An act granting an increase of pension to Bird Solomon—to the Committee on Invalid Pensions.

S. 5378. An act granting an increase of pension to John H. Ash—to the Committee on Invalid Pensions.

S. 4070. An act granting an increase of pension to A. Fellenreter—to the Committee on Invalid Pensions.

S. 2238. An act granting an increase of pension to William Strawn—to the Committee on Invalid Pensions.

S. 5572. An act granting an increase of pension to Alafire Chastain—to the Committee on Pensions.

S. 1208. An act granting an increase of pension to Samuel G. Magruder—to the Committee on Invalid Pensions.

S. 5574. An act granting an increase of pension to Colon Thomas—to the Committee on Pensions.

S. 1207. An act granting an increase of pension to James D. Stewart—to the Committee on Pensions.

S. 3076. An act granting a pension to Arthur W. Post—to the Committee on Invalid Pensions.

S. 5496. An act granting an increase of pension to Jesse L. Sanders—to the Committee on Pensions.

S. 5472. An act granting an increase of pension to Mary J. Weems—to the Committee on Pensions.

S. 5589. An act granting an increase of pension to Mary E. Burrell—to the Committee on Invalid Pensions.

S. 5508. An act granting a pension to Abraham B. Miller—to the Committee on Invalid Pensions.

S. 5346. An act granting an increase of pension to Amon A. Webster—to the Committee on Invalid Pensions.

S. 2117. An act granting an increase of pension to Phillip L. Hiteshew—to the Committee on Invalid Pensions.

S. 2574. An act granting an increase of pension to Nelson Percell—to the Committee on Invalid Pensions.

S. 5741. An act granting an increase of pension to Stephen Welch—to the Committee on Invalid Pensions.

S. 3356. An act granting an increase of pension to Rebecca A. Teter—to the Committee on Invalid Pensions.

S. 3286. An act granting an increase of pension to Charles D. Creed—to the Committee on Invalid Pensions.

S. 554. An act granting an increase of pension to Thomas P. Farley—to the Committee on Invalid Pensions.

S. 2096. An act granting an increase of pension to John W. Millett—to the Committee on Invalid Pensions.

S. 4382. An act granting an increase of pension to John B. Harvey—to the Committee on Invalid Pensions.



- S. 5214. An act granting an increase of pension to William P. Renfro—to the Committee on Invalid Pensions.
- S. 4408. An act granting an increase of pension to Robert N. Button—to the Committee on Invalid Pensions.
- S. 3232. An act granting an increase of pension to William O. Gould—to the Committee on Invalid Pensions.
- S. 1810. An act granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.
- S. 3755. An act granting an increase of pension to William H. Covert—to the Committee on Invalid Pensions.
- S. 5427. An act granting an increase of pension to Ruhema C. Horsman—to the Committee on Invalid Pensions.
- S. 4221. An act granting an increase of pension to Henry C. Stroman—to the Committee on Invalid Pensions.
- S. 552. An act granting a pension to Ira K. Eaton—to the Committee on Invalid Pensions.
- S. 4208. An act granting an increase of pension to Sarah Forsythe Bache—to the Committee on Invalid Pensions.
- S. 3357. An act granting an increase of pension to Welcome B. French—to the Committee on Invalid Pensions.
- S. 3100. An act granting an increase of pension to Howard Wiley—to the Committee on Invalid Pensions.
- S. 377. An act granting an increase of pension to Ezra W. Cartwright—to the Committee on Invalid Pensions.
- S. 4383. An act granting a pension to Mary E. Penn—to the Committee on Invalid Pensions.
- S. 3522. An act granting an increase of pension to Samuel J. Dennison—to the Committee on Invalid Pensions.
- S. 4273. An act granting an increase of pension to Frazee A. Campbell—to the Committee on Invalid Pensions.
- S. 3453. An act granting an increase of pension to David Whitney—to the Committee on Pensions.
- S. 5732. An act granting a pension to Philip Larvotte—to the Committee on Pensions.
- S. 5740. An act granting an increase of pension to Clemon Clooten—to the Committee on Invalid Pensions.
- S. 5739. An act granting an increase of pension to Adolphe Bessie—to the Committee on Invalid Pensions.
- S. 5129. An act granting an increase of pension to Thompson Martin—to the Committee on Invalid Pensions.
- S. 5428. An act granting an increase of pension to Joseph J. Hedrick—to the Committee on Invalid Pensions.
- S. 3482. An act granting an increase of pension to Alfred H. Le Fevre—to the Committee on Invalid Pensions.
- S. 5271. An act granting an increase of pension to Paul Diebitsch—to the Committee on Invalid Pensions.
- S. 2492. An act granting an increase of pension to George W. Tuttle—to the Committee on Invalid Pensions.
- S. 4393. An act granting an increase of pension to Cora A. Baker—to the Committee on Invalid Pensions.
- S. 2274. An act granting an increase of pension to Joseph J. Carson—to the Committee on Invalid Pensions.
- S. 5339. An act granting an increase of pension to Sidney B. Hamilton—to the Committee on Invalid Pensions.
- S. 4808. An act granting an increase of pension to John Worley—to the Committee on Invalid Pensions.
- S. 2339. An act granting an increase of pension to Carolina Apfel—to the Committee on Invalid Pensions.
- S. 844. An act granting an increase of pension to Mary L. Duff—to the Committee on Invalid Pensions.
- S. 4986. An act granting an increase of pension to Philo S. Bartow—to the Committee on Invalid Pensions.
- S. 5358. An act granting an increase of pension to Thomas Talor—to the Committee on Invalid Pensions.
- S. 3001. An act granting an increase of pension to Adrianna Lowell—to the Committee on Invalid Pensions.
- S. 5190. An act granting an increase of pension to William Berry—to the Committee on Invalid Pensions.
- S. 567. An act granting an increase of pension to William Cody—to the Committee on Invalid Pensions.
- S. 2518. An act granting an increase of pension to Clarinda A. Spear—to the Committee on Invalid Pensions.
- S. 566. An act granting an increase of pension to William H. Hart—to the Committee on Invalid Pensions.
- S. 5445. An act granting an increase of pension to Caroline L. Guild—to the Committee on Invalid Pensions.
- S. 5206. An act granting an increase of pension to Lucy Jane Ball—to the Committee on Invalid Pensions.
- S. 5444. An act granting a pension to Julia E. Neale—to the Committee on Invalid Pensions.
- S. 801. An act granting an increase of pension to Samuel L. D. Goodale—to the Committee on Invalid Pensions.
- S. 2581. An act granting an increase of pension to Myron D. Hill—to the Committee on Invalid Pensions.
- S. 5345. An act granting an increase of pension to Thomas Coughlin—to the Committee on Invalid Pensions.
- S. 850. An act granting an increase of pension to Henry V. Sims—to the Committee on Invalid Pensions.
- S. 5120. An act granting an increase of pension to William H. Chamberlain—to the Committee on Invalid Pensions.
- S. 2231. An act granting an increase of pension to Bessie M. Dickinson—to the Committee on Invalid Pensions.
- S. 5758. An act granting an increase of pension to Sallie B. Weber—to the Committee on Invalid Pensions.
- S. 4766. An act granting an increase of pension to Frederick Clark—to the Committee on Invalid Pensions.
- S. 4395. An act granting an increase of pension to Thomas H. Walker—to the Committee on Invalid Pensions.
- S. 1830. An act granting an increase of pension to Sarah E. Austin—to the Committee on Invalid Pensions.
- S. 5297. An act granting an increase of pension to Jerry L. Gray—to the Committee on Invalid Pensions.
- S. 5532. An act granting an increase of pension to Edwin A. Knight—to the Committee on Invalid Pensions.
- S. 4151. An act granting an increase of pension to Thomas J. Spencer—to the Committee on Invalid Pensions.
- S. 5714. An act granting an increase of pension to John McKenne—to the Committee on Invalid Pensions.
- S. 5713. An act granting an increase of pension to Robert Crowther—to the Committee on Invalid Pensions.
- S. 5715. An act granting an increase of pension to Benjamin Bickford—to the Committee on Invalid Pensions.
- S. 5530. An act granting a pension to William R. Cahoon—to the Committee on Invalid Pensions.
- S. 4477. An act granting an increase of pension to John C. Craven—to the Committee on Invalid Pensions.
- S. 4038. An act granting an increase of pension to George E. Yingling—to the Committee on Invalid Pensions.
- S. 2310. An act granting an increase of pension to William Dar—to the Committee on Invalid Pensions.
- S. 784. An act granting an increase of pension to Beverly Waugh—to the Committee on Invalid Pensions.
- S. 2945. An act granting an increase of pension to Sallie M. Nuzum—to the Committee on Invalid Pensions.
- S. 1541. An act granting an increase of pension to Commodore P. Hall—to the Committee on Invalid Pensions.
- S. 4103. An act granting an increase of pension to John W. Rulette—to the Committee on Invalid Pensions.
- S. 3624. An act granting an increase of pension to Peter D. Moore—to the Committee on Invalid Pensions.
- S. 2915. An act granting a pension to Mary Williamson—to the Committee on Invalid Pensions.
- S. 5810. An act granting an increase of pension to Joseph Reber—to the Committee on Invalid Pensions.
- S. 5716. An act granting an increase of pension to Detha J. Whipple—to the Committee on Invalid Pensions.
- S. 5811. An act granting an increase of pension to Franklin Waller—to the Committee on Invalid Pensions.
- S. 5807. An act granting an increase of pension to Sarah J. F. Robinson—to the Committee on Invalid Pensions.
- S. 5476. An act granting an increase of pension to Joel F. Howe—to the Committee on Invalid Pensions.
- S. 5661. An act granting an increase of pension to Daniel B. Bush—to the Committee on Invalid Pensions.
- S. 2850. An act granting an increase of pension to Sallie J. Calkins—to the Committee on Invalid Pensions.
- S. 2848. An act granting an increase of pension to William H. Lewis—to the Committee on Invalid Pensions.
- S. 2009. An act granting a pension to Richard Dunn—to the Committee on Invalid Pensions.
- S. 5535. An act granting an increase of pension to Alexander McConneha—to the Committee on Invalid Pensions.
- S. 776. An act granting an increase of pension to Calvin H. Morris—to the Committee on Invalid Pensions.
- S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds—to the Committee on Invalid Pensions.
- S. 3239. An act granting an increase of pension to George W. D. Buchanan—to the Committee on Invalid Pensions.
- S. 1413. An act granting an increase of pension to Louisa D. Miller—to the Committee on Invalid Pensions.
- S. 5781. An act granting an increase of pension to John A. Steele—to the Committee on Invalid Pensions.

## Senate concurrent resolution 87:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an esti-*

mate submitted of the cost of improving the Bay of Monterey, California, to meet the demands of commerce—to the Committee on Rivers and Harbors.

Senate concurrent resolution 88:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of Portland Harbor, Maine, to include Fore River above Portland bridge and the entrance to Back Cove, with a view to widening and deepening the channels at these localities, and to submit estimates for such improvements—*

to the Committee on Rivers and Harbors.

And then, on motion of Mr. PAYNE (at 4 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize the sale of certain lots in a cemetery controlled by the United American Mechanics and United Daughters of America Cemetery Association—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a statement and abstract of official emoluments of the officers of the customs service for the fiscal year ended June 30, 1904—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for a corps of student interpreters in Japan and Korea—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. J. Marett, administrator of estate of William B. West, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William P. Newman, administrator of estate of William Powers, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Victoria Wasson, Ella Wasson, and Frank Wasson, heirs of Richard F. Wasson, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Trustees of Baxter Institute, of Buckhannon, W. Va., against The United States—to the Committee on War Claims—and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas Adkins, administrator of estate of David Adkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Trustees of the Methodist Episcopal Church of Brunswick, Md., against The United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the Senate joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect, on March 4, 1905, and so forth, reported the same with amendment, accompanied by a report (No. 3139); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the Senate joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington,

D. C., for the American Railway Appliance Exhibition, reported the same without amendment, accompanied by a report (No. 3140); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15477) to change the name of Thirteen-and-a-half street to Linworth place, reported the same without amendment, accompanied by a report (No. 3141); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail, reported the same without amendment, accompanied by a report (No. 3130); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5822) granting an increase of pension to Eveline V. Ferguson, reported the same with amendment, accompanied by a report (No. 3131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8708) granting an increase of pension to David C. Posey, reported the same with amendment, accompanied by a report (No. 3132); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10712) granting a pension to Henrietta Weidner, reported the same with amendment, accompanied by a report (No. 3133); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14600) granting an increase of pension to Joseph Woods, reported the same with amendment, accompanied by a report (No. 3134); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11494) granting an increase of pension to Sarah Jane Grissom, reported the same with amendment, accompanied by a report (No. 3135); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12660) granting an increase of pension to Margaret Russell, reported the same with amendment, accompanied by a report (No. 3136); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14406) granting a pension to Paul W. Thomson, reported the same with amendment, accompanied by a report (No. 3137); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15535) granting a pension to John Crotty, reported the same with amendment, accompanied by a report (No. 3138); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13377) granting an increase of pension to Albert R. Straub—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16588) granting an honorable discharge to William Larkin—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16605) for the relief of Horace J. Rowell—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.



A bill (H. R. 16624) granting an increase of pension to Henry Good—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. WOOD: A bill (H. R. 16630) to authorize the Secretary of War to exercise a discretion in certain cases—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 16631) to extend the jurisdiction of the Court of Claims—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 16632) to provide for the purchase of a site and the erection of a public building thereon, or for the purchase of a suitable building with site, at Honolulu, island of Oahu, Territory of Hawaii—to the Committee on Public Buildings and Grounds.

By Mr. KEHOE: A bill (H. R. 16633) to complete the construction of ice pier in Ohio River at Maysville, Ky.—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A bill (H. R. 16634) to amend section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 16635) to add certain counties in Alabama to the southern district therein, and to divide the said southern district, after the addition of the said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes—to the Committee on the Judiciary.

By Mr. WADE: A bill (H. R. 16636) transferring the counties of Jackson and Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa—to the Committee on the Judiciary.

By Mr. OTJEN: A bill (H. R. 16637) to amend an act approved July 1, 1902, known as "Joint resolution constraining the act approved June 27, 1890," and so forth—to the Committee on Invalid Pensions.

By Mr. CROFT: A bill (H. R. 16638) to provide for the erection of a public building at the city of Beaufort, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 16639) for the construction of a bridge over Rock Creek at Q street—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 16640) to amend the Indian depredation act of March 3, 1891—to the Committee on Indian Affairs.

By Mr. GILLET of California: A bill (H. R. 16641) making appropriations for lower Sacramento River available for any navigable portion of said river—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16642) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California"—to the Committee on Mines and Mining.

By Mr. SHERMAN: A bill (H. R. 16643) to amend an act entitled "An act to authorize the appointment of shipping commissioners," and so forth—to the Committee on the Merchant Marine and Fisheries.

By Mr. FREDERICK LANDIS: A bill (H. R. 16644) for the erection of a public building at Marion, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. KNOWLAND: A bill (H. R. 16645) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 16646) to amend section 2787 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. FINLEY: A bill (H. R. 16647) for the erection of a public building at Chester, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. WADE: A joint resolution (H. J. Res. 178) granting Government employees pay for Labor Day—to the Committee on Appropriations.

By Mr. HULL: A joint resolution (H. J. Res. 179) providing for the sale of individual pieces of United States armament—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A joint resolution (H. J. Res. 180) providing for an investigation of the economic value of the waters of Lake Champlain for manufacturing, domestic,

and other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: A joint resolution (H. J. Res. 181) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 398) asking the Secretary of the Interior for information concerning the members or employees of the Dawes Commission—to the Committee on Indian Affairs.

By Mr. HEARST: A resolution (H. Res. 399) relating to political activity of letter carriers and the dismissal of James C. Keller and Frank Cunningham from the public service—to the Committee on Reform in the Civil Service.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 16648) granting a pension to John F. Tatham—to the Committee on Pensions.

By Mr. BAKER: A bill (H. R. 16649) granting an increase of pension to Hans Anderson—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 16650) granting an increase of pension to Charles Leathers—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16651) granting an increase of pension to George C. Dean—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 16652) granting an increase of pension to Elba A. Love—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 16653) to remove the charge of desertion from the military record of William H. Cole—to the Committee on Military Affairs.

Also, a bill (H. R. 16654) granting an increase of pension to Isaac C. Buswell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16655) granting a pension to Mary Jane Gay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16656) granting an increase of pension to Charles H. Fessenden—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 16657) granting an increase of pension to Charles H. Friend—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 16658) granting a pension to William M. Funk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16659) granting an increase of pension to Enoch Organ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16660) granting an increase of pension to Joseph Rumell—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 16661) granting an increase of pension to William P. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16662) granting an increase of pension to William H. Rifenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16663) granting an increase of pension to Harry Newcomer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16664) granting a pension to Phoebe J. Sawdey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16665) to remove the charge of desertion from the military record of Charles B. Steward, alias Edward S. Button—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 16666) granting an increase of pension to Alfreda B. Coburn—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 16667) granting a pension to Ursula Bayard—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 16668) granting an increase of pension to Emile H. Brie—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 16669) granting an increase of pension to Joseph M. Squibb—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16670) granting an increase of pension to John W. Vandever—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 16671) for the relief of A. J. Ward—to the Committee on War Claims.

Also, a bill (H. R. 16672) for the relief of the estate of Mary Philips—to the Committee on War Claims.

Also, a bill (H. R. 16673) granting a pension to James B. Kilgore—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16674) granting an increase of pension to Orlando Eddy—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 16675) for the relief of James M. Darling—to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16676) for the relief of the heirs of A. M. Harton, deceased—to the Committee on War Claims.

By Mr. JOHNSON: A bill (H. R. 16677) granting a pension to John T. Baldwin—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 16678) granting an increase of pension to Elizabeth Lock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16679) granting an increase of pension to Samuel Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16680) granting an increase of pension to Lewis M. Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16681) granting an increase of pension to William D. Cooper—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 16682) granting an increase of pension to Alice S. Shepard—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 16683) granting a pension to Jesse Peters—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 16684) granting an increase of pension to Lena Loeser—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 16685) granting an increase of pension to Isaiah M. Adams—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 16686) granting an increase of pension to B. T. Martin—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16687) granting an increase of pension to M. Helen Orchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16688) granting an increase of pension to William F. Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16689) granting an increase of pension to Francis Smithson—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 16690) granting a pension to Louisa J. Arey—to the Committee on Naval Affairs.

Also, a bill (H. R. 16691) granting an increase of pension to George S. Williams—to the Committee on Invalid Pensions.

By Mr. OTIS: A bill (H. R. 16692) granting a pension to Gertrude L. Tallman—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 16693) for the relief of William G. Tidwell—to the Committee on War Claims.

Also, a bill (H. R. 16694) granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 16695) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16696) granting an increase of pension to Francis O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16697) granting an increase of pension to Alfred Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16698) granting an increase of pension to Philo S. Darling—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 16699) for the relief of Thomas Dunn—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16700) granting a pension to Myra L. Clay—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 16701) granting an increase of pension to Emanuel F. Brown—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16702) granting an increase of pension to John A. Cairnes—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 16703) granting an increase of pension to Jennie L. Overton—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16704) granting an increase of pension to Michael Lewis—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 16705) granting an increase of pension to Levi Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16706) granting an increase of pension to John Melvin—to the Committee on Pensions.

Also, a bill (H. R. 16707) granting an increase of pension to John Beckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16708) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16709) granting an increase of pension to Andrew J. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16710) granting an increase of pension to F. A. Beranek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16711) granting an increase of pension to George L. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16712) for the relief of Henrietta Thomas—to the Committee on Claims.

By Mr. WEEMS: A bill (H. R. 16713) granting a pension to William Cannon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16714) to remove the charge of desertion from the record of Hiram Hutchcoft—to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 16715) granting a pension to Helen Calvert—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BADGER: Resolutions of Little Miami Division, Brotherhood of Locomotive Engineers, in support of bill H. R. 13354—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Affidavit of George W. Jones, in support of claim of Sibini Jones—to the Committee on War Claims.

Also, affidavit of Frances M. Kent, in support of claim of Sibini Jones—to the Committee on War Claims.

By Mr. BENTON: Papers in support of House bill granting an increase of pension to Elba A. Love—to the Committee on Pensions.

By Mr. BURLEIGH: Resolution of Nicotin Grange, No. 389, Hancock County, Me., in favor of a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of citizens of Oswego, Kans., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNELL: Petitions of Henry W. Northrup, of Glenburn, Pa., and of F. S. Tiffany, of Fleetville, Pa., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Resolution of the Chamber of Commerce of Albany, N. Y., in favor of the passage of bill H. R. 6273, further to define the duties and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Additional evidence to accompany bill to increase the pension of John Davis—to the Committee on Invalid Pensions.

Also, additional evidence in support of the bill to pension William M. Funk—to the Committee on Invalid Pensions.

By Mr. ESCH: Papers to accompany bill H. R. 8352, for the relief of John Salsbury—to the Committee on Invalid Pensions.

By Mr. GREENE: Petition of citizens of New Bedford, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAMILTON: Memorial of John Kolvoord, in support of bill to amend customs-drawback law—to the Committee on Ways and Means.

By Mr. HILDEBRANT: Petition of citizens of Wilmington, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HULL: Petition of the Woman's Army and Navy League, of Washington, D. C., declaring the anticanteen law in the United States Army a failure—to the Committee on Military Affairs.

By Mr. LAFEAN: Resolution of Encampment No. 65, Union Veteran Legion, of York, Pa., urging the passage of bill H. R. 16506, granting an increase of pension to Samuel B. Gray—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of citizens of Snover, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Papers to accompany bill for relief of M. Helen Orchard, widow of Sergt. Maj. John C. Orchard, of the One hundred and seventeenth Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 11174, to increase the pension of Herman J. Watjen—to the Committee on Invalid Pensions.

Also, additional evidence to accompany bill H. R. 6650, to increase the pension of Eli B. Malm—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany a resolution authorizing the Secretary of War to permit Troop B, Un-



attached Cavalry, National Guard of Tennessee, to improve park properties—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of citizens of California, in favor of granting lands to the landless Indians of north California—to the Committee on Indian Affairs.

By Mr. OTIS: Petition of Hudson River Central Baptist Association, asking Congress to investigate certain charges against the authorities of the Independent State of the Kongo—to the Committee on Foreign Affairs.

By Mr. PADGETT: Papers to accompany House bill granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolution of Anthracite Division, No. 543, and Capitol Division, No. 160, Brotherhood of Locomotive Engineers, favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

Also, resolution of Fairview Division, No. 278, Brotherhood of Locomotive Engineers, of Ashley, Pa., favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Guarantee Title and Trust Company, against proposed system of post-checks—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Papers to accompany bill H. R. 16151, for the relief of W. C. York—to the Committee on War Claims.

By Mr. SNAPP: Papers to accompany bill for increase of pension for Emanuel F. Brown—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Farmers' Club of Tecumseh, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

## SENATE.

FRIDAY, *December 16, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

### ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of California, Connecticut, South Dakota, and Texas; which, with the accompanying papers, were ordered to be filed.

### ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the disbursing clerk of the Treasury Department, submitting an estimate of appropriation to be included in the legislative, executive, and judicial appropriation bill for 1906 for one clerk of class 3 in the office of the Secretary of the Treasury, \$1,600; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of James Davidson v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Edward Gallagher, administrator of Charles Gallagher, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River in the State of Minnesota;

S. 2114. An act to fix the rank of certain officers in the Army;

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 2745. An act granting an increase of pension to Thomas Howard;

S. 2893. An act granting an increase of pension to Emanuel Morter;

S. 3033. An act granting an increase of pension to Charles B. Williams;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 3329. An act granting a pension to Mary E. Strong;

S. 3414. An act granting an increase of pension to Henry Wheeler;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3640. An act granting an increase of pension to John S. Stevens;

S. 3791. An act granting an increase of pension to Edwin J. Tenney;

S. 4417. An act granting an increase of pension to Chadbourne H. Warren;

S. 4690. An act granting an increase of pension to Andrew W. Switzer;

S. 5184. An act granting a pension to Ethel Talley;

S. 5263. An act granting a pension to Annie M. Eapolucci;

S. 5416. An act granting an increase of pension to James A. Hopson;

S. 5423. An act granting an increase of pension to Ellen J. Morton;

S. 5484. An act granting an increase of pension to Burnetta B. Lehmann;

S. 5492. An act granting an increase of pension to Mary T. Holden;

S. 5556. An act granting an increase of pension to Sarah A. Hoback;

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington; and

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

### PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Woman's Study Club of Tacoma, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. BURNHAM presented a petition of the Woman's Suffrage Association of Concord, N. H., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of the International Pure Food Congress, of St. Louis, Mo., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. GALLINGER. I present a petition signed by 110 of the leading citizens of Georgetown, D. C., praying for the construction of a bridge over Rock Creek at Q street. The men and firms who have signed the petition are among the most reputable and potential citizens of the District. I think they would be gratified to have their petition, which is not very long, go into the RECORD, and I will ask unanimous consent that the Secretary may read it, omitting the names.